

# THE LOUISIANA HISTORICAL QUARTERLY

Vol. 6, No. 4

October, 1923

## **A Chapter of Colonial History**

*From the French: By Dr. Gaston Darcel*

## **Inauguration of De Vaudreuil**

*Translated from the French, by Heloise H. Crout*

## **A Session of the Superior Council of Louisiana in 1744**

*By Henry P. Dart*

## **An Original Autograph of Henry De Tonty**

## **Eliza Jane Poltevent Nicholson**

*By Jean A. Rankin*

## **The Lescure Collection**

## **An Interesting Medical-Historical Exhibit**

## **Trial of Mary Glass for Murder, 1780**

*Translated from the Original by Heloise H. Crout, Laura L. Perreous  
and J. Franklin Jamison*

## **Editor's Chair**

## **Records of the Superior Council of Louisiana, XXI**

## **Index to the Spanish Judicial Records of Louisiana, IV**

## **Index to Vol. 6**

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**THE LOUISIANA HISTORICAL SOCIETY**

**CABildo, NEW ORLEANS, LA.**

HENRY M. GALT, Corresponding Secretary  
The Cabildo, New Orleans

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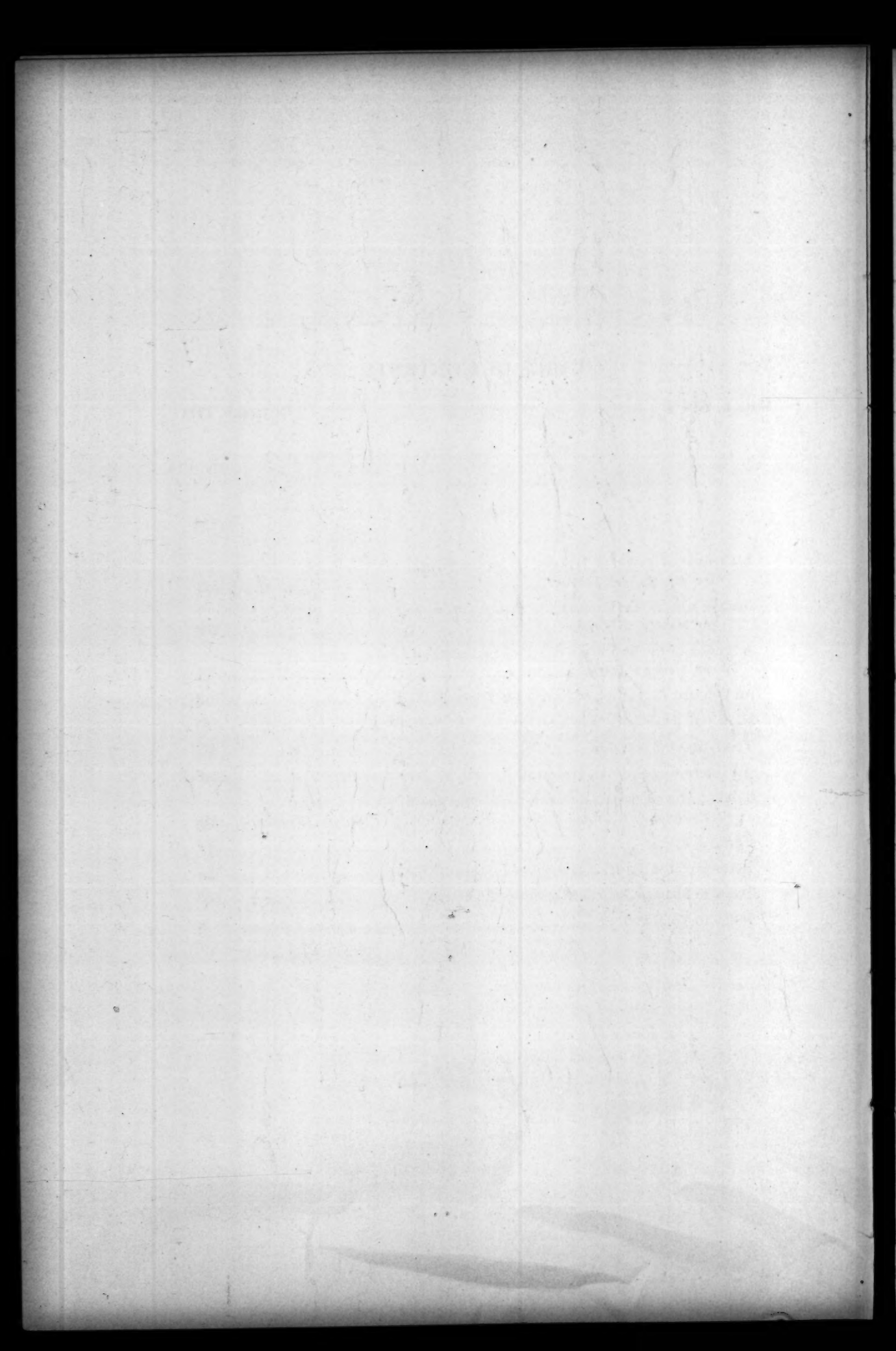
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## A CHAPTER OF COLONIAL HISTORY.

LOUISIANA 1717 TO 1751.

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From the French  
*By Dr. Gustave Devron.*

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### EDITORIAL INTRODUCTION

This paper was read many years ago before the Louisiana Historical Society. It is a translation in his own handwriting by the lamented Dr. Gustave Devron, from a French MS. whose history he tells in a footnote.\* Further than this brief entry, we know nothing of the MS. or its present whereabouts. We have not even been able to find the "June number of the Records" to which he refers for notes on the MS. evidently read by him at a date subsequent to the first reading of the paper before the Society. He drew a line through his statement or first impression in the footnote as to the authorship and wrote above it the reference to his later researches.

The Publications of the Society begin in 1895, at which time and until his death Dr. Devron was vice-president. The first printed Minutes are those of March 20, 1895, published in 1896 (Publications I, Part III, 1896, p. 5). No mention is found in these minutes of this paper prior to Dr. Devron's death in March, 1900. At the April (1900) meeting, President Fortier furnished a slight biographical notice of the deceased and "presented to the Society the MS. of an historical work by Dr. Devron, the doctor having confided the paper to him, for this purpose, sometime before his death." (Publications La. Hist. Society, Vol. 2, Part 4,

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\*The notes are by the author of the original MSS. and by the translator, Dr. Devron, and the source is indicated in each note.

December 1901.) No publication of the MS. here mentioned was made by the Society and the internal evidence of our paper seems to make it certain that this is not the MS. presented by President Fortier. We are convinced that the translation, and in any event the reading, of the paper must be assigned to the period between 1888 and 1895 when the Society was enjoying the fine impulse of its rejuvenation by a small coterie of distinguished scholars who devoted themselves ardently to the study of our history and the re-establishment of the archives. They were rich in everything save worldly goods and having no money to print the results of their labors, many a valuable addition to our historical literature was filed with the Secretary and lost in the constant shifting of headquarters before we settled down at the Cabildo under our own roof.

Dr. Devron was a physician in large practice in New Orleans and like other distinguished members of his profession his historical sense was highly cultivated. He devoted himself to the French colonial period and he was preeminent in the field he chose to cultivate. He never touched any subject without illuminating it. His papers that were preserved and printed after the Society began to issue its thin occasional Publications in 1895 are proof of the loss we have sustained in the disappearance of the earlier ones. Those who may be interested will find two fine examples of his clear, nervous English in the paper, "In Memory of Pierre Margry" (Vol. I, Part III, p. 10, 1896), and "The Last French Governor of Louisiana" (II, Part I, p. 29, 1897).

The paper here published was found last summer, one of the few results of a persistent search by the Quarterly among the old files of the Society. We wish we could supply more information regarding the original MS. but that knowledge we fear has passed with the life of the translator. Yet we are not hopeless for many stranger things have happened since the Quarterly has enlarged its audience and it may be that this publication will reach the eye of the present owner of the MS. or awaken some scholar who may be able to identify the author.

A last word should be added as to the facts related in the MS. At first it seemed to be a compilation based on Margry and other French publications, and it also suggested a knowledge of Martin and Gayarre's Histories. The omission of all mention of de la Chaise is the most puzzling feature of this paper. According to



Gayarre he was the most prominent figure in local government from 1722 to 1730. On the other hand, Martin makes very slight reference to Delachaise. Could this MS. be, after all, only a compilation from Martin? But, when all is said, a closer study convinces us, as Devron was undoubtedly convinced, that it is an original contemporaneous account by an eye witness.

H. P. D.

To Mr. Faneuil, Commandant of Fort Le Trou at the Cape (Hayti.)<sup>1</sup>

From my plantation near N. O. Sept. 25, 1748.

Sir,

In 1717 the French government made a grant of land to a Company which had just been formed under the name of Mississippi Company. Two years later the Company of the Senegal and, later still, that of the Occident was joined to it and the united Societies received the name of Company of the Indies.

About that time, the famous John Law initiated his system. To succeed in deceiving the unwary and throw dust in people's eyes, he found it necessary to devise an establishment in some far away country. After some hesitation, Louisiana became the chosen field of his operations, because it had just received its charter, and could be held up as a sort of new Mexico, which would infallibly enrich the first comers. The first year, three or four contractors were sent out to give some show to the colony. Pensacola was taken from the Spaniards, to be soon reconquered by them, then retaken by the French and returned to Spain, when peace was declared (1719).

Other grantees in great numbers were sent in the following years, as though this vast country was to be settled immediately. Law himself took 8 leagues square for his share, where he intend-

<sup>1</sup>The letter was originally in English, but the author himself translated it into French and embodied it with a few notes in his *Memoirs* compiled between 1751 and 1753. *Who the author is, has not so far been ascertained (probably an Englishman by the name of Darby).* He states he came to Louisiana in 1718 and was consequently an eye-witness, often an actor in the events which he described. (The sentences in italics were struck out by the Translator—Devron—and the following sentence substituted. "See the notes in the June number of the *Records*.") The letter here translated is the fourth out of seven, which compose the *Memoirs*. The MS. in French—228 quarto pages—is the property of V. Rev. Henry Pictrerit of Vicksburg, Miss., to whom it was bequeathed by the Rev. Adrian Rouquette, the poet-priest of Louisiana, who bought it in Paris some 50 years ago. We leave out the first pages of the letter, which contain merely the synopsis of the well known history from the discovery of the Mississippi by F. Marquette to the year 1717.—*The Translator*.

ed or pretended to settle 4,000 families. There were also brought into the colony whole shiploads of negroes. But in their hurry our speculators forgot a most important item—the provision of food and clothing, which they imagined could be found in abundance in so rich a country. A very great number of both whites and blacks died of hunger on the sandy shores, not finding means to convey them to the interior. This was particularly the case with the poor Germans, a class of people whose laboring habits would have been best fitted to build up the colony. This was the first great mistake: if these beginnings had been well managed, the resources would have been sufficient to render the colony flourishing and to avoid the grave misfortunes resulting from the small numbers of colonists in later years.

Mobile had been established some years earlier under the administration of D'Iberville; Dauphine Island, a little later; Biloxi in 1720. There was much hesitation about locating the capital of the colony, which was finally established at New Orleans.

1722. The change by which the paper money was depreciated in France, was the ruin of the colony. When Law retired, the banks failed, and the universal bankruptcy at once stopped the emigration to the colonies. People rather thought of ways and means, (how) to retire from Louisiana, in spite of the enormous expenses they had made, and the sufferings they had endured. The greater number of land grants lapsed. The colony painfully dragged on its existence over ruins; few or no articles of commerce; still fewer provisions of food and clothing; no money except the notes of the grantees, which were rarely or never redeemed, because there were no funds to redeem them.

1723. It was urgent to find a remedy to the situation. The French government deputed two commissaries (one of them died on the voyage) a procurator and three counsellors. These formed the Superior Council of the colony and were called the New Regie. All accounts were revised; many debts reduced to a lower figure; the notes of the former administration called in and destroyed. Those who owed nothing to the Company lost less than others. There was no commerce, no provisions, and what there was, was badly managed, so that all the prices became exorbitant for the public. Copper money was sent from France, but with the excessive prices of everything became almost useless and as burdensome as the iron coin of ancient Sparta. A pair of shoes

cost 30 livres, a pint of brandy 50, and so on. Soldiers and tars gambled for hatsful of it, and afterwards threw it into the river, because they could not do anything with it. The greater part of that money returned to France, whence it came, to be there transformed into kettles and cauldrons. It was replaced by bank notes, which circulated among business men.

With the New Regie, France sent us Capucin Fathers<sup>2</sup> for the service of the colony, because, forsooth, there was as much disorder in the spiritual, as in the political administration.

There also arrived from Guinea a shipload of negroes, who were given over to such planters as would engage themselves to pay for them out of their indigo crops at the end of the year.

Mr. Hubert, the Royal Commissary and Intendant, had from the beginning formed the design of establishing the capital of the colony at Natchez. With this view, he in 1720 took for himself an extensive land grant and had a corn mill put up and wheat and oats planted there. Everything seemed a success, when the Savages, excited (it is said) by some enemies of Mr. Hubert, killed some of his cattle and committed many outrages on his plantation. This discouraged him so that he sold his plantation and in 1722 returned to France. Subsequently, the Indians shot at one of the principal planters, who had his shoulder broken by the ball and soon after died in consequence at New Orleans.

This became the occasion of the first Natchez war. All the available forces of the colony and the friendly Indians were armed. The little army went to Natchez, where they burnt a few cabins and executed some of the mutinous Indians. Then peace was concluded with them, and the brave warriors returned to New Orleans with a heavy load of prairie chickens, either purchased from the Indians or stolen from them. Hence this war received the nickname of the Chicken War, (*La Guerre aux Poules*). It was the first scene of our disastrous Indians wars, which could have been prevented, if the colonists had profited by the opportunity thus offered to them to cut the evil at its root.

1724-1725. No slave ships from Guinea this year or the next. Mr. Boisbriant, Commandant of Illinois, replaces Mr. de Bienville as Lieutenant for the King.

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<sup>2</sup>Author's Note—F. Daunon had arrived a year before the New Regie, accompanied by a lay brother. The order of Superiors is as follows: Rev. F. Raphael, Vic. Gen., deceased. Rev. F. Phillip, died in 1738; Rev. F. Peter, pro tem; Rev. F. Charles, died in 1751; Rev. F. Dagobert, Superior since 1751; Rev. F. George, Superior now, 1753.



An evil omen! The first ship bearing produce of the colony—over 60,000 livres worth of indigo, corn and Spanish coin was wrecked near the coast on Easter Sunday. Mr. de Bienville and his brother, Mr. de Chateaugey, were to embark in the morning.

This is what I wrote on the subject in a letter dated May 25th, 1725; The ship, *Bellona*, de Grandchamp, Master, sailed from here on the ..... of February to complete its load at Massacre.<sup>3</sup> Everything being ready, the ship was to sail on March 31st. However Mr. de Bienville, who was to sail with her, did not arrive until evening of the same day and even then, in consequence of unfavorable weather, delayed his embarking till next day, which was Easter Sunday. That morning about 4 o'clock it was discovered to the great dismay of the sailors that the ship was nearly half filled with water and sinking rapidly. In fact she went down within a quarter of an hour. Five persons were drowned and others escaped half naked in the shallop. The vessel contained, belonging to the Company, 18,000 dollars in Spanish money, 1100 barrels of tar, 6,000 pounds of tobacco, a considerable amount of indigo, furs, etc. The loss was estimated at 60,000 livres. Mr. de Chateaugey lost 2,000 livres; the captain and the writer 700. Several passengers lost all they had. Mr. de Bienville was the only person who had not embarked anything.

1726. No slave ship from Guinea this year.  
Organization of the Catholic Church in New Orleans.

1727. A ship load of negroes from Guinea.  
A new governor (Boisbriant); new hopes; new plans. The cultivation of indigo is abandoned for that of tobacco. Louisiana tobacco is found to be of excellent quality, and our land seems better fitted for tobacco than for any other staple. Men were sent from France to Virginia and Maryland to learn how to cultivate and manufacture it. Some English colonists were induced to come to Louisiana from these Provinces. There were also remaining still some of the original workmen, sent hither years before by the French Company of Clairac for the purpose of trying the cultivation of tobacco. Everything promised success.

Brick yards are established about New Orleans and the city begins to look like something.

<sup>3</sup>Massacre Island in the Gulf of Mexico.—Translator.

At the end of the year, another load of negroes, with a prospect of others to follow. The arrival of so many laborers promised well for the future prosperity of the plantations.<sup>4</sup>

With the new governors came the Jesuits, who established themselves near the city and were to take charge of the Indian Missions, and the Ursuline nuns destined to devote themselves to the education of women and the care of the hospital.

The series of Jesuit Superiors is as follows:

Rev. F. de Baubois (Beaubois) returned to France;

Rev. F. Petit, died in . . . . .;

Rev. F. Doutourlau, (D'Outrelau) returned to France;

Rev. F. Vitry, Vic. Gen. died in 1750;

Rev. F. Bodoïn (Baudonia), now, 1753.

That of the Ursuline Superiors:

Rev. Mother St. Andre, died in 1743;

Rev. Mother Tranchepain, died in 1733;

Rev. Mother St. Pierre, now governing.

1728. New colonists arrive from France. The city receives various storehouses and an elegant jail, all in brick and other buildings for the Company. An establishment is promised about Natchez, some 80 leagues from here, where the land seems best suited for the cultivation of tobacco. Many settlers go there. Stores are being erected, and a ship has been sent up there loaded with tobacco plants.

Two vessels brought new helps from Guinea.

The French Court and the Academy of Sciences sent over an Astronomer (astronomete) to take observations and find the passage to the Western Seas.

But the charms of the climate and some other congenial reasons, I suppose, detained him in Louisiana and he went no farther. The Academy of Sciences did not derive any greater advantage from his observations of the heavens, than the Colony derived from his discoveries on the earth. It would have been as well for

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<sup>4</sup>F. Charlevoix (1722) is not quite so sanguine about negro labor. He recommends the introduction of whites from Europe, who would by and by become land owners, whilst slaves would forever be allens in the country and, if introduced in numbers, might become a real danger.—*Translator*.

all parties that he had remained in France and spared himself the trouble of coming so far. <sup>5</sup>

1729. Two fresh convoys of negroes from Guinea raised the courage of the colonists and increased their expectations of a prosperous future, especially as the Company denounced their contract with the Dutch, in order to favor the cultivation of tobacco here. News also came that negotiations were opened with the Vice Roy of Mexico for the importation via New Orleans of a million worth of merchandise, and hopes were entertained of seeing Spanish coin in circulation amongst our people.

We were thus in the best of spirits and as it were on the highest degree of prosperity, when an unfortunate imprudence brought about a catastrophe, which precipitated us into a war of 18 years, stopped all our enterprises, and what was worst—finally obliged the Company to give up the colony and abandon the importation of colored laborers.

This is what happened. The Natchez Indians, numbering about 700 or 800 warriors, had formed a conspiracy to kill in one day, which was the Feast of St. Andrew (Nov. 30), all of the whites settled amongst them. They divided themselves into several bands, and individuals even entered the various houses so as to attack them all at the same time. In the space of two hours, between 8 and 10 in the morning, they slew all the whites, some were shot with guns, others massacred with hatchets. They carried their cruelty so far as to roast some by a slow fire or making them endure the most barbarous torments. Thus perished about 300 persons, amongst whom were several officers, and especially a famous banker from Paris greatly interested in the welfare of the colony, who had arrived with his son just the day before. Women and children to the number of about 70 were led into slavery; the negroes and all the cattle were carried away; the houses were plundered and burnt. Yet this had been the finest establishment in the colony and so great were the fears of the whites, even to this day, that no one has dared to restore it.

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<sup>5</sup>Judge Martin relates the matter quite differently. Two battleships came in June, 1720, from Toulon, one of which carried the Jesuit Father Laval, professor of physics, sent to Louisiana by the King. During the voyage the plague (which then raged at Marseilles) broke out in the ships. The captain and many of the crew died, as also did the chaplains of the ships. The Father considering science of minor importance to a minister of the altar, thought it his "duty to bestow all his time in administering spiritual relief to the sick, who for a long time were very numerous, and he sailed back with the ships."—*Translator*.



Up to this time, the Natchez Indians seemed to be the most submissive of all the nations. We could obtain from them almost all the service which is required of the negroes. They were reliable guides and companions to the traveler; they worked in the field; they furnished at the lowest prices whatever was wanted in the colony, meat, game, oil, &c. The whites could live in their midst with as much liberty and security, as in the streets of Paris; they could go about in their villages night and day without the slightest apprehension. The small fort which had been built in their midst was in ruins, and no one thought of rebuilding it.

But the whites shamefully outraged their women, occupied their land and ill treated them in various ways. No wonder that they sought their revenge, whether they were pushed to it by their own passions or by the counsels of the English, or the schemes of other savages allied to the English. Some have pretended even that the massacre of all the whites on the same day had been agreed upon throughout the colony and that it miscarried by the fault of the Natchez, who attacked a few days too soon. The custom is whenever the Indians have an important affair to settle on a definite day, to take in each tribe or family a number of staves corresponding to the number of days.<sup>6</sup> Every morning then one of them is burnt, and when all have disappeared, the fixed day had arrived. It so happened on this occasion that the Natchez either let two staves fall at the same time or counted wrong, so that their attack was a day or two too soon, and this mistake saved the rest of the colony.

Whatever may have been the case with the other Indians; the Yazoo certainly imitated the example of the Natchez. Father Du Poisson, residing amongst them, sent on a certain day one of these Indians to Natchez on a certain errand. This Indian chanced to reach Natchez on the very day of the massacre. Surprised at the sight, he hastened home to inform his people of what he had seen. Thereupon, certain individuals resolved to get rid of Father Du Poisson, and murdered him as he came down from his cabin, which he had built on a hill. The other members of the nation were extremely pained as they saw their Father—for so they called him—assassinated amongst them and by one of their number. There was at first universal mourning amongst them, because they all loved and respected him. Very soon, however, they felt that the

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<sup>6</sup>See Chateaubriand in "Atala" and "The Natchez."—*Translator*.

French would resent the crime committed in their midst and wreak their vengeance on the whole nation. This induced them to join the Natchez and make common cause with them. In consequence, they presented themselves at the fort and, whilst offering the calumet of peace to the commandant, they opened fire upon him and associates and killed all the men; the wives and girls were led off as slaves.

Father D'Outellau also was on the point of falling a victim of the barbarians. Coming from Arkansaw and ignorant as yet of the late events, he landed at the mouth of the Yazoo on a Sunday and prepared himself to say Mass before visiting the fort. Whilst he was saying Mass, his followers saw a crowd of geese passing by and shot at them. The Indians as soon as they beheld the guns of the French emptied, fell upon them and killed some and wounded others. Father D'Outellau and the remaining few retired to their vessel and escaped by means of a gun but imperfectly reloaded, which they discharged on the enemy. The Father received a shot in his face.

It was now an imperious necessity for the colonies to keep themselves on their guard and wipe out the shame of seeing their wives and daughters enslaved by such masters. All the availing forces of the colony were called to arms. The Indians were chased and driven within a fort which they had lately erected for their defense. It consisted simply of heavy posts fixed in the ground. The French surrounded the fort on every side, trenches were opened and a battery set up, as for a regular siege. What a beautiful capture, if they could have been taken all together. This would have finished the war forever; the Natchez post would have been established more firmly than before and the Company would have continued in existence. But all depended on a very slight mistake or oversight—the want of powder. Major de Loubois, commander of the place, led the army. He had called upon the Chactaws, who were allies of the French. These soon perceived that they were more numerous than the French and became insolent and mutinous. They wantonly burnt away the provision of powder, whilst the French were forced to connive at the waste, because if they too had revolted at that critical moment, the colony would have been lost completely.

The little army impatiently awaited the arrival of a vessel, which was to bring a supply of powder from New Orleans. But the vessel did not come through the fault of the captain, who was

a drunkard. De Loubois seeing with pain that he could not attack the place with any prospect of success, retired to the River, a distance of over a league to put his army in safety against the Chactaws, if they were to break out in open revolt as it was feared. This was the reason why he entered into negotiations with the enemy sooner than he intended. He however, succeeded in rescuing from slavery some 70 women and children. On this condition he concluded peace with them.

Thus finished this famous expedition, which affords, after many other examples, one more proof how sometimes the greatest effects depend on the smallest causes by a disposition of Divine Providence; against which there can be no reasoning. A few pounds of powder more or less would have without the slightest doubt changed the whole condition of the colony and made it quite different from what it is now.

The Natchez changed their camping grounds and fortified themselves elsewhere. For a long time it was even unknown whither they had gone until their whereabouts were betrayed by a slave. Their settlement lay on Bayou Tincas, 10 or 12 leagues distant from Natchez on the other side of the Mississippi about the Washita River, where formerly they had their hunting grounds. The informer was wisely retained by the French.

Troops now arrived from France, which were at once led to the attack of the new Indian camp, ere the Indians were aware of it. Companies of colonists accompanied the French soldiers. The camp was surrounded and some 500 were taken prisoners; the others escaped under cover of a dark and stormy night. The prisoners were laid in chains and brought to the city. Some were burnt as a retaliation; others were placed on boats to be transported outside the colony. They revolted on their voyage and were partly struck down or thrown into the sea. Some were transported to Hayti, where you may have seen some at the Cape. Those among the Natchez who left the fort and settled in the Washita committed many disorders before they were dispersed. Their chief, called de La Farine (of the Meal) was killed. Many settled among the Chikasaws, their friends, or established themselves in the Carolinas about Charleston. This was the end of that unfortunate nation, but by no means the end of our miseries.

The Natchez brought upon us the far more serious wars against the Chikasaws, who had been all along their secret accomplices, whilst they pretended to be their enemies. They ob-



structed our communication with the Illinois settlements; they seized our boats; they plundered and killed our travelers.

This year arrived the last slave ships of the Company. The negroes were distributed principally among the settlers, who had served in the army, and bought by them on credit.

The Company now abandoned the colony after a possession of 12 or 13 years, during which it had imported some 3,000 negroes. Seeing the difficulties of the situation, and finding no way to overcome them, it threw off the charter and returned the colony to the King.

Before leaving this epoch of our history, I may be permitted to add some remarks about that fatal affair of the Natchez. Fatal, I say, because after so many useless expenses of the Company, after so many millions that have been spent since by the King during 18 years, the colony has not advanced a step from what it was before that war. So that, if that unfortunate war had not happened, to all appearances the country would today be in the most flourishing condition. Yet, the misfortune could have been avoided very easily. A simple officer, the commandant of the Natchez post, was the cause of it all, or at least could have prevented the outbreak.

The conspiracy of the Indians was made known the day before by some Indian woman. The commandant was informed of it and the colonists begged of him, adjured him with tears in their eyes to see to it and at least put the settlers on their guard. Not only did he not listen to their advice, but had the informants arrested, chained and put in prison as mutineers and propagators of false and irritating news. Half drunk himself, he went in the middle of the night through the village, accompanied by a few officers. Finding everything quiet in appearance, they returned to their quarters and went to bed. The commandant himself was awakened by the Indians, who came to present him with some game and killed him, thus giving the signal to the general attack. It was fortunate that this man (Chapard) was killed there and then, because if he had lived, he merited to be drawn and quartered for having brought such a calamity on the colony by his fault. If the Indians had seen the colonists prepared, they would not have dared to attack them and their conspiracy would have miscarried, as it is not their custom to attack a brave adversary when they find him prepared.

Under the administration of the Company, the settlers of the lower class were never at ease and could scarcely live but in hope. The number of negroes, whom the Company sent over at intervals more or less considerable, was in no wise proportioned to the wants of the colony. What was a shipload of laborers for only 200 or 300 whites, who were not accustomed to the climate and unable to render their labor profitable? Ordinary settlers had to wait two or three years before they could get two or three hands; many never had the chance to get even one. This was sowing too sparingly, if they expected an abundant harvest, especially in the beginning of a colony, when it was necessary to work several years in cleaning away forests and draining swamps before any crop could be expected. The same disproportion existed with regard to provisions. What was a shipload of goods, when it would have required at least a double amount to procure even the strict necessary to every individual? Hence arose the wild speculation, which raised the prices so high as to render even the most necessary articles inaccessible to the public. The poor settlers had to suffer from it; far from being able to pay for their labor, they had no means to buy shoes and clothing for themselves, much less for their negroes. The consequence was that many left the colony, which but for the ample assistance sent from France a little later, would have remained without people.

As soon as it was rumored in the colony that the King had resumed the administration, hopes began to revive. It seemed that under such a protection better times would dawn upon us. In fact, the very ship which brought the definite news also brought 40,000 livres in specie to pay the troops. It was expected now that French money would circulate in abundance. Illusion! After that money had made the tour of the city, it all returned in small quantities to the land from which it came. The very same vessel on its return merely left in the colony what it had before—paper money.

Those who governed in the country had no idea that the Company was determined to resign. They, therefore, took steps to rebuild the fort of Natchez for the protection of the colonists, who were willing to settle in that neighborhood. (I was myself architect of that fort, which still exists, as I write elsewhere.) This plan, however, was abandoned when the news of the Company's resignation arrived, and it was thought sufficient to establish a post near Pointe Coupee, destined to protect the tobacco planters

about that locality, which seemed best fitted for this cultivation. Nothing was left at Natchez, except a small garrison; all the colonists retired.

1735. On August 29th and 30th, we experienced a most violent hurricane, which was the first and fiercest we had seen since September 12th, 1722. This had been extremely violent and lasted longer than any other, the wind turning all around, the wind rose with nearly equal force in every direction. That of the present year went only from NE. to SW. It commenced with heavy thundering and ended with a cloud burst.

1736. The return of M. de Bienville to replace M. Perrier gave some hope that the Indians would settle down and remain quiet. Unfortunately, difficulties that could not be foreseen, should soon undeceive us. Smallpox, which was brought to us from the Spanish colonies, made great havoc both among whites and negroes.

For sometime past, as I have mentioned elsewhere, the Chikasaws had been very troublesome. They had attacked travelers on the Mississippi, killed and burnt them. They had also captured a shipload of gunpowder. This powder produced the spark, which kindled the Chikasaw war that cost so heavy sacrifices of men and money to the colony. It would have been better on all sides if that vessel had been blown up before it reached Arkansas. The fact is this: A vessel was fitted out at New Orleans, loaded partly with powder, partly with merchandise for the Illinois settlements. For one reason or another, the powder was left behind at the Arkansas post, while the ship continued its voyage with the merchandise. Later on, the powder was sent for, but taken by the Indians. In all this there appeared great imprudence, as well as in the abandonment of Fort Natchez, which would have been so useful in that war and would have spared so much blood and money to the King and the colony.

The daring act could not be left unpunished; the vengeance enacted for it was expected to prevent other outrages. It will be seen how much we deceived ourselves.

1736. The Chikasaws, or as they were called shorter, the "Chiks," were friends of the Natchez, and had committed various crimes along the River. It was decided to crush and exterminate them. The enterprise was not easy, as their



camps were far from New Orleans, in districts very difficult of access. Two armies were formed, one in Illinois, the other here. It was agreed that they should bring about a junction in the Chik-asaw country upon a certain day, which was Easter Sunday. The division from Illinois commanded by D'Artaguet, arrived first on the appointed day. It had advanced too far when counter orders were brought to the Commander. Unable to retreat, D'Artaguet determined to attack alone, and would probably have succeeded, if the Indian auxiliaries had remained faithful to the French. Abandoned by them the little army could not withstand the overwhelming numbers of the enemy. Many were killed on the battle field; all the others were more or less wounded. After the battle, they were crowded together in a miserable cabin and burnt with it. Amongst those who perished there were D'Artaguet, the Commander, de St. Ange who had defeated the Foxes in 1730, Cou-lange, the Jesuit Chaplain (F. Senac) and many other valiant officers and men. Some were burnt on the spot. A few escaped to Illinois.

The Southern army left Mobile on the very day on which the Illinois division was defeated. They reached the Chik-asaw country in due time, but met with equal defeat. They lost several officers and many of their men and returned without effecting anything.

The following is a copy of a relation (paper) found amongst the papers of a friend, describing the Chik-asaw battle of May 25th, 1736.

After all the prolix preparations, the army at last assembled at Mobile. A post had previously been established on the Tom-bigbee River, at about two-thirds of the distance between Mobile and the Chik-asaw camps—about 200 leagues from Mobile. Mr. D'Artaguet, the commandant of Illinois, had received orders to form an army in that section, and meet the Southern division on a fixed day, which was Easter Sunday. This disposition was changed and D'Artaguet, who arrived first on the appointed day, was defeated, as has been said.

The Southern army set out for Mobile on April 1st, which was precisely Easter Sunday.<sup>6</sup> It was composed of about 800 whites

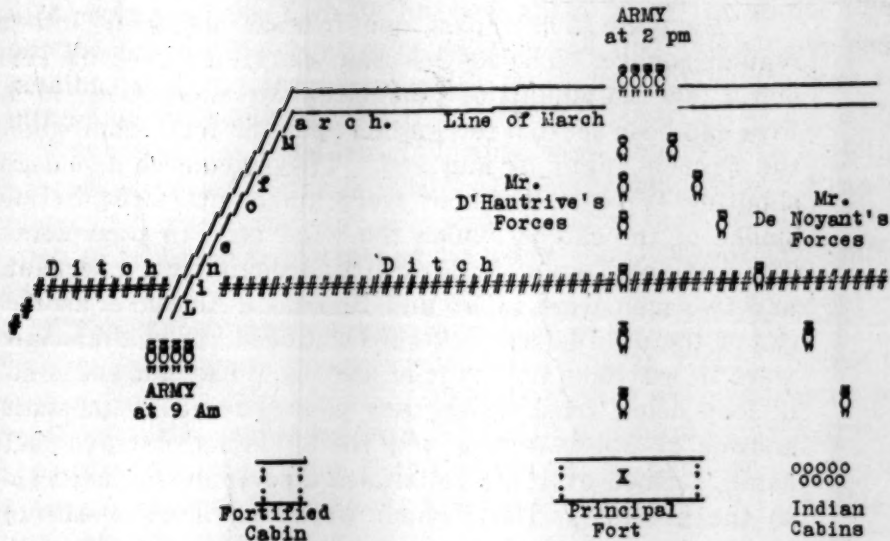
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<sup>6</sup>It looks as though Easter Sunday was a day of evil omen in the colony. On Easter Sunday (1722) the first ship, "*L'Adour*," which entered the River, was wrecked on her return to France near the Martyrs (Key West). On Easter Sunday, 1726, the ship, "*La Gironde*," which carried the first produce of the colony, went down at her anchorage, no one knows from what cause. On Easter Sunday, 1736, Mr. D'Artaguet perished with his whole army, and on the same day the other army marched from Mobile to be defeated in the same way and at the same spot.—*Author's Note.*

(three companies of militia from New Orleans and two from Mobile, some volunteers from Canada, and about 550 regulars of the colonial garrison). To these were added some 1500 Indians, some at Mobile itself, many more at Fort Tombigbee. About 100 negroes composed the train.

Gov. Bienville commanded in person, assisted by Capt. Le-Bretton as commissary, Rev. Father Baudouin acted as chaplain. The army reached the first villages of the Chiks after 52 days of march, including an 8-day halt at Tombigbee. There, at some 10 or 12 leagues from the Indian camp, were left the wagons and the heavy baggage under the protection of a strong guard, commanded by Mr. Vasseur du Terrepins. Every man took with him provisions and ammunition for 8 days. The army advanced on foot and two days later came in sight of the village, at the distance of about one-third of a league. Three forts had been erected there and the English flag was displayed over them. A halt was ordered and the chiefs met in council, in which it was resolved to attack the principal fort, immediately. With the ardent desire to fight against the savages and revenge on them the many outrages they had received, the affair seemed easy and success infallible. After this short delay the army advanced on elevated ground and coming to a position nearly opposite the fort formed a reserve corps at a short distance beyond the range of the guns. The enemy attempted several sallies but were repulsed and constantly harassed by the allied Indians.

The country is cultivable land slightly hilly. The fort was erected on a ridge and separated by a ditch from the position of the army. (A pen and ink sketch by the Translator, doubtless copied from the Author, shows the following positions of the army forces. *Editor.*)



Having established the reserve corps, some 500 men were detached; they took dinner, then by one o'clock advanced to the attack. Mr. de Noyant, Major of the Place, commanded. The intention was to advance to the foot of the greater fort, pull off the palissades and form retrenchments there. The grenadiers carried heavy battle axes, and the others small hatchets with their pistols. At the declivity of the hill, on which the principal fort was erected which defended the village, there were three fortified cabins. These must be attacked first, before venturing to the foot of the fort. For this reason, a division under de Noyant separated from the other at about half way, to attack these cabins, placing them between two fires. Captain Lucer (Lusser) commanded the French troops, Mr. DuPart the Suisse Guards, and Captain Le Sueur, the militia, which formed the left wing. Major Noyant commanded the division to the left; Mr. d'Hautrive, (Autrive) that to the right."

(The next pages, 84 and 85, of the MS. are torn out. They must describe the battle and the defeat of the French, which we may thus supply from the narrative of Judge Martin):<sup>7</sup>

<sup>7</sup>Judge Martin's History, though as dry as a lawbook, is otherwise by far the most exact and comprehensive History of Louisiana. We remark that he is commonly represented as a Huguenot, and perhaps as Judge in Mississippi and New Orleans, may have passed himself off as such. He was, however, a native of Marseilles, France, where we scarcely expect to find Huguenots at that epoch. His very name, Francis Xavier, shows that he was baptized a Catholic.—Translator.



"Bienville at half past one formed his army into a regular square. The British flag was flying over the fort and a few individuals of that nation were perceived in it. Fire had been set to a few cabins near the fort, from which the French might be annoyed. They advanced ten deep, shouting 'Vive le Roi', but were much distressed by the smoke of the cabins, which the wind blew in their faces. The fort now began a galling fire; a lieutenant, a sergeant and two men were killed and Renaud d'Auterive, an officer of the militia, was severely wounded. The Chikasaws were in a strong fort, surrounded by thick palissades full of loop holes, from which they poured forth an incessant shower of balls; strong and thick planks, covered with earth, formed over the palissades a covering impenetrable to the grenade. The French were unprotected and fell back. They soon advanced again, but the fire from the fort made a great havoc, whilst they fired in vain against the palissado. At five o'clock, Bienville seeing Noyant, Lusser, Jussan and Grondel, four of his best officers and many others disabled, and the ammunition of his men nearly exhausted, without the hope of success, ordered a retreat and sent a strong detachment to support it. It was made in good order. The loss was 32 killed and 61 wounded. The force employed joined the rest, without being able to bring away the bodies of their dead. The evening was employed in throwing up a small retrenchment around the camp. In the morning, the French saw the bodies of their countrymen, who fell in the battle, cut into quarters and stuck up on the pickets of the pallisado."

MS. continued:

The man who said that wisdom consisted in doing difficult things as if they were easy, and easy ones as though they were difficult, has said a very great truth. Overlooking this precaution caused so great a disaster in the present instance. The ardour of our people caused them to imagine that the defeat of the Indians was quite an easy matter and to neglect the most obvious precautions. They had not even examined the position of the enemy and completely ignored the existence of the three fortified cabins, from which they were attacked and harrassed on the flank. If they had reflected a little, they should have opened trenches and reach-

ed the foot of the fort by blowing them up all or some. The ground was quite proper to effect this and they might have completely destroyed the enemy with much less difficulty than by attacking them directly.

This year and the two following were employed in building barracks and other public edifices by funds deposited in France. Notes of this loan were brought and circulated here in values from 1000 to 10 livres with the signatures of the Governor and Intendant.

The ancient paper money was called in and cards of different size and value were given in exchange, ranging from 12 livres to 6 sous (one picaillon) (sic). When the funds were exhausted we received notes on the treasury (without a capital to back them) with the pleasant clause that they would be paid whenever the treasury had funds. These notes were withdrawn in 1745, when Spanish coin was introduced.

To encourage merchants importing the necessaries of life into the colony, the King granted them a bounty of 40 livres per ton. Several merchants came and two or three established extensive stores, where nearly everything desirable could be found at reasonable prices. As long as this lasted, that is some five or six years, the public were well served and never, either before or since, was there such facility in procuring provisions. In exchange they gave notes on the treasury, or produce in kind, but when the treasury stopped its contributions, our staple was insufficient to pay advances, and the merchants retired.

About this time commenced the cattle plague which has continued ever since, though of late it has abated somewhat. It consisted in bloody discharges which carried the animal off almost instantly, before the malady was noticed. No remedy has been found so far. This calamity has done great harm to the colony, which was already fairly stocked with cattle.

The great demand of tobacco and the Indian wars that broke out were the causes why indigo planting was gradually abandoned. It was revived since, however, and gives good results, particularly the crops of a species called Bastard Indigo.

1738. To reestablish peace in the colony and wipe out the shame of defeat we had received, it was decided to strike a blow against the Chikasaws and crush them out forever. Measures were adopted with foresight and precaution. A post was

established in a locality called Assumption, at some 200 leagues from here, which was to serve as a meeting place for the two armies that were being formed. Carpenters were engaged to build storehouses and make gun carriages, and wheelwrights to make wheels and cars for the transportation of cannon, mortars and other war material. Horses and oxen were gathered from all the country 100 leagues around.

1739.       Arrival of a battallion, under command of Mr. de Noailles. It came from France in the "Atlas" commanded by Mr. Keloret (sic), the . . . . . commanded by Mr. Villars and the . . . . . commanded by Mr. . . . . (Names left out in the MS.)

Large wagons were fitted out here and all other preparations made. When all was ready, the cannons, mortiers, and a thousand other engines of war were embarked, as well as abundant provisions of food and drink. The two armies met at the place appointed, that of Illinois, containing a multitude of Indians coming from Canada and elsewhere. They halted for some days, whilst the chiefs were seeking for a passage to the Chikasaw nation, which was never to be found. At last a detachment of whites and Indians were sent out to meet those terrible enemies, who soon concluded peace by giving up three Frenchmen, their prisoners. The soldiers thereupon returned to the camp, where they consumed the provisions, ate the oxen, burned up the buildings of the post and went their way to the places from which they had come. And thus finished the second Chikasaw war.

I believe the furnaces that were cut in the rock at Assumption on the River, still exist as an eternal monument of that famous expedition. The only exploit I have heard of was the burning of an Indian woman, executed by the soldiers with horrible cruelty in Indian fashion—whether as an enemy, or as a sorceress, history does not say.

Such extensive preparation and such grand marching and parading did really too much honor to a handful of Indians—five hundred, we are told, if they were as many. The whole advantage derived from so much expense and labor was to have us despised by all the Indian nations.

1740.       Our people were this year much afflicted by the mumps, which had been imported by the sailors, that came with the army. The battallion left about the feast of St. John.



1741. We may refer to that year the first milling of rice in the colony after the method used in the English colonies. Before this, little rice had been planted here. I have myself put up a rice mill, which succeeded well and hulled more rice than all the others in the colony together.

1742. In the beginning of the colony, the mines of Mexico formed one of the principal inducements for its formation. It was hoped that even if we could have no direct interest in the working of the silver mines, there would at least be an advantage for commercial transaction. Yet, some 20 years had passed without having any intercourse whatever, even with the nearest Spanish posts, except the Adayes near Natchitoches. At last seven or eight Canadians, whether hunting or exploring, chanced to reach Santa Fe (New Mexico) where they found no mines. They lingered there for some time, then returned partly to Illinois, partly to New Orleans. Here they were well received: they were sent back with a detachment of soldiers under an officer and a heavy load of various merchandise for the Spanish markets. It was thus expected to enter into communication with the Spanish subjects, which might become of considerable importance to the colony. They were absent several months, but totally unable to find again the road by which they had gone and come. Thus, the expedition proved another failure.

1743. The new Governor (de Vaudreuil) arrived to succeed Gov. de Bienville. There also arrived a shipload of negroes, the first after 12 years, and the last before this (1753).

1744. Our commerce so far had been all carried on with paper money. At last it was called in and replaced by Spanish coin at 5 livres the dollar. This change would have given great satisfaction, if it had not from the beginning required a discount of  $\frac{3}{5}$ , that is we were to pay 12 livres, 10 sous in paper to get one dollar Spanish silver. The loss fell especially on the Company itself, because it had previously—in view of the distress of the inhabitants, reduced their indebtedness to one-half, through that half, paid in paper money, lost again by the discount and thus the Company received for a negro worth 1000 dollars not more than 150, which is about one-ninth of the real value.

1744. Arrival of a new Intendant, Mr. LeNormand.

1745-46. Nothing new these years, except the construction of the fortifications at English Turn, (Detour des Anglais, below N. O.). I built on the left side, upward the levees, the walls of the fort and the greater part of the barracks; Mr. Dubreuil undertook the other side.

1747. There also occurred the revolution of some Indian Villages of the Choctaw nation, stirred by Red Shoe, a mutinous chief, at the instigation of the English. This had not served for anything but to keep us on our guard, since we have found the means to favor the animosity of the savages against each other and to have them kill each other, without trouble or expense to ourselves.

1748. Arrival of our new Intendant, Mr. d'Auberville. The last news from Illinois is that copper mines have been discovered at 300 leagues from there. A commission has been sent there to explore the country and take possession of it.

\* \* \* \*

Conditions of commerce of Louisiana in 1748.

There are six or seven saw mills, which can give per ann. 50,000 boards.

Some ten or twelve plantations of indigo, producing capacity 15,000 lbs. of indigo. As the indigo requires work only during six months of the year, the laborers of the indigo plantations can make rails and shingles a shipload of 300 tons.

Other plantations produce rice, per ann. 3,000 quintals clean.

Peas and beans, 500 quarts.

Tobacco in leaves 200,000.

Tobacco in carrots, 3000 lbs.

Pitch and tar, 500 barrels.

Lead 50,000 lbs.

Furs from Illinois 50,000 lbs. (but their principal exports are flour and pork for New Orleans).

Furs from other quarters 20,000 lbs.

Lard 10,000 lbs.

Salt meat 20,000.

And besides cotton and myrtle wax, &c.

This is what we *can* produce. In truth, we never made that much, but this was because there is no demand for some articles, and especially because we have no ships of our own to export our

staple. If we were sure of selling, I am convinced that we could make all that and more. The country is well fitted for shipbuilding, as we have the material all on hand, such as live oaks, cypress, elms and others and pitch and tar in any quantity, flax and hemp, which grow very well, iron mines, so to say, at our doors, which only need hands to work them. In brief we have all that is needed, except the men to use these materials for building the ships. Already two or three brigantines, one brig, some smaller galleys, and several other vessels have been built.

The myrtle wax, it is pretended, will one day become the principal staple of the country. Several thousand trees have already been planted, which require very little work, except to protect them against the cattle and gathering the grain, which ripens about October and can be gathered in till January. They can be melted at any time and produce grey wax. To bleach this requires more work, but the increase in value makes up for the increase of labor. The tree commences to bear in the second year and is best about the fourth. During the seven or eight weeks the crop lasts a single person is able to gather enough of grain for 250 to 300 lbs. of wax. The work is very easy and women and children can do as much as adults.

We are excellently situated for the commerce with Spain. Communications exist between Pensacola and Mobile; between Natchitoches, through the Adayes and Mexico, between New Orleans and Mexico by vessels from Vera Cruz, Campeche and Havana. If this could be developed, it would be highly advantageous, especially for the circulation of Spanish silver.

At the first establishment of the colony the principal object in view was the discovery of mines. Every emigrant, so to say, arrived with a shop of tools to discover mines and work them. A whole company of miners were sent over and did their best, but all to no purpose. Nothing was found but a mine of lead in Illinois and one of copper, as I stated before, of whose reality and worth, however, nothing will be known before next year. What is sure, however, is that we have not far to go to find iron mines, that metal being in abundance all along the sea coast, and well situated for working by the nearness of fuel and water. Some of our people have already taken steps in that direction and are expecting a vessel from France with workmen and money.

Tar and pitch too would make a revenue not to be overlooked. If we had the force and courage, we could make it a paying busi-



ness. The English in the Carolinas find means to have it pay well with a surplus of 5 livres per quart. If not more has been made of this article, the cause lies in the fears of the Choctaws, but when they have become fully our friends, nothing will prevent us from resuming that sort of business, even should we have only the Spaniards to export them, as they have exported already most of the tar that has been produced.

The most important branch of commerce is cattle raising. By this means San Domingo and La Martinique might be provided from here with salted meats, with horses and mules. This would be a great advantage for these colonies and one which would please them well. The English, our neighbors, the States of Carolina, Pennsylvania and New York, do good business in this line. Our land is, at least, as good as theirs and pine woods are in plenty not far from New Orleans as well as high and low lands. At Lafourche of Chetimachas, a planter has made with success on a first trial by raising some 400 heads of cattle. The same might be attempted in the Washitas, at Natchez, Yazoo, Arkansas and elsewhere. Another frequently brings in horses and mules, which are sold to the Spaniards on the Islands at the same price as the negroes. All these, so far, are only trials but if we had more energy and funds the experiment might be pushed with success.

It must be said, however, that for some years past, we have suffered considerable loss from the cattle plague. Lately, however, there is little talk about it and the distemper seems to have almost disappeared. Perhaps, too, the losses were not so great in those parts of the country where the land is higher and less swampy.

For the present, the most important item, which depends neither on rain or sunshine, is the grant of 300,000 livres a year (and for several years double that sum) which the King granted for the salary of the officials, the building of fortifications &c, and by which the people profit in various ways. This contribution has lately (1753) been increased in consequence of the increased number of troops.

With all these resources, it is plain that nothing is wanting to render the colony flourishing but hands to work and money to pay. Although the colony has existed for so many years, it may still be considered as in its infancy in consequence of the many

obstacles it has met with. Notwithstanding this, in the course of time, deserted lands have been occupied, houses built, plantations formed, which can be made flourishing in a few years with a little assistance.

The necessaries of life can be procured or produced easily; the climate is excellent; communications by water commodious. There is room for many more settlers; the land is given away gratis, so to say; the only thing is to make it productive and thereby infallibly render the colony one of the richest in America.

1749. The smallpox has been infecting the whole country, less severe however than in 1734. At that time, it was imported by the Spaniards; this time it was brought in by a shipload of negroes from Jamaica. Other maladies, more or less general, exist sometimes, but they are generally imported from other countries. But such accidents happen everywhere. In 1740 the mumps were brought over from France by the ships which carried the soldiers. This year, we have La Grippe, a violent disease of the throat, which comes from Illinois. It has been pretty general and several persons have died of it, especially young people. Children are frequently attacked by a dangerous disease of the gums.

1750. Arrival of Mr. Michel (commander of the royal navy). For four or five years, our commerce had prospered by the circulation of Spanish money. Our people lived contented and the colony was in honor abroad. Many vessels came in from various ports to share in the benefits of commerce. Now on a sudden, all that money has been withdrawn, even the silver escalins (12½cts.). The public now sees but poor picayunes and a few bad Spanish coins of 25 sous. It became impossible to maintain the expenses of the colony with such means of exchange and it was necessary to fall back on our miserable old system of paper money. Happily, the notes of exchange are rapidly received and cashed, so that on the whole the change of silver into paper has passed nearly unperceived.

France has sent us during the year a reinforcement of twenty-four companies of soldiers who all arrived without accident.

The year has been very good and the crops of indigo, tobacco and wax very satisfactory.

## INAUGURATION OF DE VAUDREUIL

GOVERNOR OF LOUISIANA 1743<sup>1</sup>

*Translation by Mrs. Heloise H. Cruzat*

In "Politics in Louisiana in 1724",<sup>2</sup> we told the story of the local intrigue that resulted in the recall of Governor Bienville in 1724 and his replacement by Governor Perier. We printed also the inaugural ceremonies of the latter, (March 15, 1727) and the ceremonies of the induction of the new members of the Superior Council. Perier was the last governor under the regime of the Company of the Indies and he retired from office in 1732, contemporaneously with its surrender of its privileges in Louisiana. The colony was thereafter administered by the Crown and the return of Bienville as first Royal Governor was a sort of poetic justice, though that was not in the minds of the Ministers, who, on the contrary, acted purely as they thought for the best interest of the Colony in placing it once more under the management of the only man who had therefore had a measure of success in the performance of that task but Bienville's luck had deserted him and after ten weary years of ill fortune and failure he retired at his own request in 1743, leaving Louisiana never to return.

De Vaudreuil, his successor, presented his credentials to the Superior Council in May 1743, and the original act drawn by the Council covering the ceremonies of his reception, is in our archives. It follows the usual form that is now familiar to us, but its very simplicity makes it valuable. In the margin at the beginning is written "27 Mai. 1743. Reception de M. de Vaudreuil comme Gouverneur," and in the body of the text he is designated as "Monsieur de Cavaignol de Vaudreuil Gouverneur." All this is in marked contrast with the emphasis laid by Gayarre<sup>3</sup> on the arrival of the Great Marquis, the first of the nobility of France to preside over the destinies of Louisiana, but as de Vaudreuil did not sign the official proces verbal, it may be that its severe simplicity should be credited to Bienville, who seems to have cared little for the pomp and circumstance of office. It may also be true that he purposely clothed this last official act of his career in this simple form to perpetuate forever his unchangeable view that the future of his beloved colony lay not in the hands of Nobles

<sup>1</sup>From original document in the Archives of the Superior Council of Louisiana at the Cabildo, New Orleans.

<sup>2</sup>La. Hist. Qy. (July, 1922).

<sup>3</sup>2 Hist. La., 1-66.



and French place hunters but in the hard working agricultural population whose welfare was always the dearest thought of his life, the plain Monsieur de Cavaignol de Vaudreuil rather than the Marquis or the Duke who sent him here.

H. P. D.

No. 924.\* RECEPTION OF DE VAUDREUIL

May 27, 1743.  
Reception of  
M. de Vaudreuil  
as Governor.

On this day, twenty-seventh of May, one thousand seven hundred and forty-three, The Superior Council of Louisiana assembled, composed of Monsieur de Bienville, Governor of the said Province; of Messrs de Salmon, Councillor of the King, Commissaire de la Marine, ordonnateur (intendant) and First Judge in the said Council; de Louboye, Lieutenant of the King, Commandant at Mobile; de Noyan, Lieutenant of the King at New Orleans; Bobé Descloseaux, Commissary, Comptroller of the Marine; de la Freniere, Fazende, Raguet and Prat, Councillors in the said Council, assisted by the Attorney General of the King, who went into the Chamber where the sessions of the Council are usually held, for the Reception of Monsieur de Cavaignol de Vaudreuil, Governor of the said Province in lieu and place of our said Sieur de Bienville; after having presented his commission (letres de provision) dated the first of last July he has required the registration (thereof) to which they inclined; the council hearing the Attorney General of the King, has ordered and does order that the said commission be read and that it be registered in the Registry of the said Council, which being done, Mr. de Vaudreuil was immediately installed in said council in the said place of our said Sieur de Bienville.

Given in the said Chamber on the aforesaid day, month and year,

And have signed:

"Louboey"  
"pasquier"

"Prat"

"Salmon"  
Noyan  
Bobé Descloseaux  
"lafreniere"  
Raguet  
"fleuriau".

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\*This translation and the transcription of the text which follows is by Mrs. Heloise H. Cruzat.

27 Mai 1743.

Reception de

M. de Vaudreuil

Comme Gouverneur.

No. 924. Original text:

Aujourd'hui Vingt Septieme de May Mil Sept

Sent Quarante trios

Le Conseil Superieur de la Louisianne assemble et Composé de Monsieur de Bienville Gouverneur de ladte Province, de Messieurs de Salmon Concr du Roy Commissaire de la Marine ordonnateur et Premier Juge aud Conseil, de Louboey lieutenant du Roy Commandant a la mobille, de Noyan Lieutenant du Roy a la Nelle Orleans, Bobedescloseaux Commissre Con<sup>eur</sup> de la marine De La freiniere, fazende, Raguet et Prat Conseillers aud Conel assisté du procr General du Roy, Sestant transporte dans la Chambre ordinaire ou se tiennent Les Sceances dud Conseil pour la Reception de Monsieur de Cavaignol de Vaudreuil Gouverneur de lad province au Lieu et Place de Mond Sieur de Bienville apres avoir representé ses Letres de provision en datte du premier Jullet dernier dont Il a Requis L Enregistrement a quoy Inclinant, le Conseil ouy Le procr General du Roy a ordonné et ordonne que Lecture sera faite desd provisions et quelles seront Enregistrées au Greffe dud Conseil Ce fait et a LInstant Mond Sieur de Vaudreuil a Ete Installé and conel en lad place de Mond Sieur de Bienville Donne en ladte Chambre Le susd jour Mois et an

Et ont signe

Louboey  
pasquier

Prat

Salmon  
"Noyan"  
"Bobe Descloseaux"  
lafreniere  
"Raguet"  
fleuriau.



## A SESSION OF THE SUPERIOR COUNCIL OF LOUISIANA IN 1744

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Students of the Louisiana French colonial period have long hoped to find the original minutes of the Superior Council. The several ordinances or decrees creating that body<sup>1</sup> required such minutes to be kept and it was supposed that it was done. Inquiry about this at the repositories in France and in the Department at Washington makes it certain that no minute books or orderly collection of minutes as such has as yet been developed. On the other hand the study of the archives of the Superior Council at the Cabildo in New Orleans is convincing that the papers now being indexed and published in the Quarterly, are not minutes but are original documents, appertaining to matters and things that transpired before that body sitting either as a law court or official meeting on special occasions, like the installation of a governor, the seating of new members, or the registration of edicts of the king. The results of such meetings are found in the judgments rendered, or in a proces verbal of the meeting when specially convened. It may also be that minutes of the council were sometimes kept on loose sheets and transmitted to France. We find indications of this in the papers that have been transcribed in France and lodged at Washington under the work in that line that is being constantly prosecuted there.

It is gratifying therefore to find in the Louisiana Archives, a proces-verbal of a meeting of the Superior Council on October 24, 1744, that covers the installation of Lenormand and other routine work of registering declarations and orders from the Crown. It bears all the earmarks of minutes as usually kept and it is valuable historically, showing as it does that no ordinances, new laws or alterations in old ones, were put into operation in Louisiana until they had been formally presented to the Superior Council and registered. This was evidently a promulgation or publication of the law in the Colony.

The document here translated covers the induction into office of Lenormand as First Councillor, Sub Delegate and Intendant, with other matters that we shall presently notice. It is, we believe, the first official document we have found, which confirms

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<sup>1</sup>See Dart Legal Institutions of Louisiana, 2 La. Hist. Qy. pp. 72-103 (January, 1919).



the view that the office of Commissaire General de la Marine carried with it the other functions mentioned. The preamble recites that the Council met for the Reception of M. Le Normand, Commissaire General of the Marine, but when it reaches the point of the presentation of his credentials, it says he produced "his commission (letres de provision) under date of April 30 last of First Councillor (Pr. Coner.) in said council, sub-delegate and Intendant." In the absence of the Commission, we may presume however, that the three stations were specifically mentioned. Be this as it may, it is clear that Lenormand was recognized as the holder of an office that combined in its possessor, the two high functions of Commissary of the Marine, (Intendant) and First Judge, together with that of Sub-Delegate, whatever that may have been.

In the margin and in the preamble of the proces-verbal, Lenormand's name is spelled as here printed, but in the order to register, it is "Le Normand". The signature, however, is "Lenormand"—the historians usually (Gayarre particularly) make it "Lènormant." He succeeded Salmon, one of the prominent figures in our colonial history and was appointed according to this document, April 30, 1744, to serve with Governor de Vaudreuil, whose commission was dated July 1, 1742, and who was officially received here on May 27, 1743. We expect at some future date to discuss the office of Commissaire de la Marine and its effect upon the operations of government in Louisiana, at which time we will also have something more to say about this particular official. For the moment it need only be added that de Vaudreuil and Lenormand proved no exception to the rule. They filled the mail with charges against each other and pulled wires incessantly for reciprocal destruction but the Governor won the battle and had the Commissioner recalled in 1749.

Two of the matters acted on at this meeting of October 24, 1744, were of importance, the promulgation of the Ordinance of February 8, 1743, regulating the administration of a minor's estate, owned in Louisiana and other colonies of France or in the latter place, and the similar promulgation of the ordinance of November 25, 1743, regulating the ownership of property by religious organizations.

Another matter given was the date of the entry into the Council of a new member, Major de Benac, giving us another

name for the list, which we are trying to complete, of dignitaries of French Louisiana.

One other feature, the signatures to this interesting document should be noticed; it seems to have been the unvarying rule in signing during that period to disregard all parts of the name save the family one. This peculiarity accounts for the inability of our historians to furnish information on this line that would have been extremely useful and certainly interesting.

The documents are presented in translation and text in the order named.<sup>2</sup>

H. P. D.

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(25185)

1744.

October 24.  
Registering of  
letters patent  
of Lenormand  
and others.

On this day, twenty-fourth of October, one thousand seven hundred and forty-four, at nine o'clock in the morning, the Superior Council assembled composed of Messrs. de Vaudreuil, Governor of the Province; of Salmon, Commissary Intendant and First Judge in the said Council; de Noyan, Lieutenant of the King in New Orleans; de Lafreniere, Fazende, Raguet, Prat, titular councillors; Pasquier and Le Breton, assessors; assisted by the Attorney General of the King, who went into the Chamber where the usual sessions of the Council are held for the reception of M. Lenormand, Commisary General of the Marine.

After presenting his commission as First Councillor in the said Council, sub-delegate and Intendant, dated the 30th of last April, he requested that they be registered. Inclining to which after reading (thereof) by the Attorney General, the Council has ordered that the said commission be registered in the Registry of the Council, and this being done at once M. Lenormand was installed in lieu and place of M. Salmon in his office of First Judge in the said Council and as Sub-delegate and Intendant.

Given in the Chamber of the Superior Council on the above mentioned day, month and year.

Declaration  
concerning  
religious orders  
and holders of  
property in  
mortmain.

Following this was presented a declaration of the King, relative to religious orders and those who hold property in mortmain, dated November twenty-fifth, one thousand seven hundred and forty-three, which was read and ordered to be registered and to be executed according to its form and tenor.

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<sup>2</sup>Translated and transcribed from the original in the Archives at the Cabildo by Mrs. Heloise H. Cruzat.

And a declaration of the King concerning Concessions in the Colonies, dated July 17th, 1743, which was read by the Attorney General. The Council ordered the registration of said declaration to be executed according to its form and tenor.

Another declaration concerning "le deziene" (the twelfth) of the Admiral under prizes and conquests made at sea dated the month of August 1743, which was read, the Attorney General heard. The Council ordered it to be registered, to be executed according to its form and tenor.

Declaration  
concerning  
election of  
tutors and  
rights of  
minors.

Another declaration concerning the manner of electing tutors and relating to minors who have estates under judicial administration in France and others situated in the Colonies, dated February 8, 1743, has been read, the Attorney General's opinion heard, and the Council orders that the said declaration be registered in the Registry to be executed according to its form and tenor.

Mr. de Benac's  
brevet as  
Major  
registered.

Mr. De Benac then presented his brevet as major to have part in the deliberations of the Council which has been read, the Attorney General's opinion heard, the Council ordered it to be registered and executed according to its form and tenor.

Signed: "Vaudreuil"

"Lenormand"

"Salmon" "Noyan" "Lafreniere"

"fazende" "Raguet" "Prat" "Pasquier"

"Le Bretton"

"fleuriau"

Pagination:—25185

date Oct 24/44.

Indexed: A 44/9.

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ORIGINAL TEXT

(25185.)

24 e 8 bre  
Lenormand  
Enregistrement  
de ses lettres  
patentes  
Et autres.  
(3889.)

Aujourd'hui Vingt quatre Octobre Mil Sept Cent Quarante quatre neuf heures du matin Le Conseil Superieur de la Louisianne assemblé et Composé de Messieurs de Vaudreuil Gouverneur de la Province de Salmon Commissaire Ordonnateur et premier juge aud Conel de Noyan Lieutenant du Roy a la Nlle Orleans, de lafreniere, fazende, Raguet, Prat Coners titulaires Pasquier et Le Breton assesseurs assiste du procureur general du Roy, Sestant



transporté dans la Chambre ordinaire ou se tiennent seances du Conseil pour la Reception de Monsieur Le Normand Commissaire general de La Marine.

apres avoir Reperesenté ses lettres de provision En datte du trente avril dernier de pr Coner and Conel subdelegue et Intendant Il a Requis LEnregistrement aquoy Inclinant Lecture en' ayant Ete faite Ouy le procureur general du Roy Le Conseil a ordonné que les ds provisions seront Enregistrées au Greffe du Conseil Ce fait a Linstant Monsieur Le Normand a Ete Installé and lieu et place de Monsieur de Salmon En Charges de premier juge aud Conel et de subdelegue et Intendant Donné en la Chambre du Conel Sup Lesusd jour mois et an

Et ensuite a Ete Representé une declaration du Roy Concernant les ordres Religieux et gens de main morte En datte du Vingt Cinq Novembre Mil Sept Cent quarante trois dont Lecture a Este faite et ordonnéé quelle sera Enregistrée pour Estre Executé selon sa forme Et teneur Et avec declaration du Roy concernant les Concessions dans les Colonies en datte dudix sept juillet Mil Sept Cent quarante trois dont Lecture a Este faite par le procureur general du Roy Le Conel ordonne LEnregistrement delad declaration pour Estre Executé selon sa forme Et teneur.

Autre declaration concernant la maniere d'Elire les tuteurs et Concernant les mineurs qui ont des biens de justice en france et dautres situes dans les Colonies En datte de fevrier 8e mil 7 C quarante trois Laquelle a Ete Lue Ouy les conclusions du pror general du Roy le Conseil ordonne que la dte declaration soit Enregistree au Greffepoue Estre Executée Selon sa forme et teneur

Ensuite Represente par Mr. Benac son brevet de major pour avoir voix deliberative au Conseil dont Lecture a Ete faite ouy le procureur general du Roy Le Conseil ordonne LEnregistrement pour Estre Execute selon sa forme Et teneur.

Vaudreuil		Lenormand
Salmon	Noyan	Lafreniere
fazende	Raguet	Prat Pasquier
Le Bretton		fleuriau

Pag 25185.

date: Oct 24, 1744.

Indê: 44/9

## AN ORIGINAL AUTOGRAPH OF HENRY DE TONTY

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The name of Henry de Tonty is so intimately connected with the early history of Louisiana that no excuse is necessary for preserving in our pages the accompanying facsimile of a document furnished us by Miss Grace King. It is his donation to his brother, Alphonse de Tonty, executed November 27, 1698, covering a half interest in his half of the grant of Fort St. Louis in the country of the Illinois, Louisiana, received by Henry de Tonty and de la Forest from the King. At first inspection it seems to be entirely written by Henry de Tonty's own hand, there certainly is a similiarity in the text and signature, but that is immaterial as there is no doubt of the genuineness of the signature.

Miss King in 1900 received the facsimile here reproduced from Mr. McLennan, who had obtained it from Mr. Phileas Gagnon. The latter writes to the former from the Bureau des Archives, 12 Cook Street, Quebec, 24 September, 1900:

"I am sending you the facsimile copy of the Tonty document you asked me to have made the other day. It is a true copy in every respect; dimensions of paper, endorsements, on which even the blots of ink are reproduced."

In her letter transmitting this interesting document, Miss King says:

"Tonty is so well known that I do not think it necessary to make up a note about him. He died of yellow fever and was buried in the forest outside of Fort St. Louis de la Mobile.

"At the Centenary Celebration of the Establishment of Mobile, a party of us headed by Peter Hamilton, Esq., the historian, visited the site of Fort St. Louis. Some skeletons had been dug up near the foundations. We hoped that one might have been Henry de Tonty but there was no iron hand recovered—unfortunately. What a historical souvenir that would have been."

Parkman<sup>1</sup> says: "He (Tonty) wore a hand of iron or some other metal which was usually covered with a glove. La Potherie says that he once or twice used it to good purpose when the Indians became disorderly in breaking heads of the most contumacious or knocking out their teeth. Not knowing at the time the secret of the unusual efficacy of his blows they regarded him as a 'Medicine of the first order'."

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<sup>1</sup>Discovery of the Great West, 1-116, foot note 1.

The reference to Parkman may remind the reader to turn back, (for who has not read it?) to that masterly story of La Salle and his faithful friend, Henry de Tonty, and meanwhile we may add to the pleasantries of the two quotations by saying that, as the signature to the document bears no suggestion that Tonty's right hand was of iron, it is possible that his practice with the Indians had developed what has been considered a modern discovery, "the deadly left." But Tonty in his Memoir says he lost his right hand.

In addition to the facsimile, we print the text and a translation made by Miss Annie R. King of New Orleans.

H. P. D.

Section de la main  
de la part inférieure

En conséquence de la Donation que Sa Majesté nous a faite à l'effet de la forêt et à moy du fort St Louis et pays des Illinois dans la Louisiane avec les mêmes droits et prérogatives de feu Monsieur Cauchier de La Salle nous permettant de leur nous et nos héritiers, Le Henry de Tonty Gouverneur des Illinois ay cédé et concédé à Alphonse de Tonty mon frère de présent Commandant à Mississauga, La moitié de ce fort et luy donné pouvoir de représenter d'en tenir avec les mêmes droits et prérogatives comme dit est cy dessus luy et les siens -- Comme il nous est permis par la Concession que Sa Majesté nous a faite et pour que le dit Alphonse et ses descendants jouissent paisiblement de ma dite moitié sans que personne y puisse prétendre ni apporter aucun obstacle luy faire et signer de ma propre main la présente Donation en présence des témoins soussignés fait à Mississauga le 10<sup>me</sup> sep<sup>bre</sup> 1698 Henry Tonty

ENSENTE De l'heure. L. Arnaud



## TRANSLATION

Oct. 27th, 1698.

Transfer of Mr. Henry de Tonty, to Mr. Alphonse de Tonty, deposited at midnight of this day.

In virtue of the donation made to us by his Majesty, to Mr. LaForest and myself, of the Fort of St. Louis, and country of the Illinois in Louisiana, with the same rights and prerogatives of the late M. Cavalier de la Salle, permitting us and our heirs to enjoy it: I, Henry de Tonty, Seigneur of the Illinois have conceded and do concede, to Alphonse de Tonty, my brother, now Commandant at Missilimaquina, the half of my share, and empowered him from this time to enjoy it, with the same rights and prerogatives stated above, he and his heirs, as is permitted to us by the Concession made to us by his Majesty; and in order that the said Alphonse de Tonty and his descendants may peacefully possess my said half without any one being able to lay claim or make any objection thereto, I have made and signed with my own hand the present donation in presence of the undersigned witnesses, at Missilimaquina the 19 Sept. 1698.

(Signed) Henry Tonty

(Signed) Vensenne. Delliette. Arnaud.

(In the margin.)

Paraphed ne varietur.

Verrier. P. (Seal.)

(Signed) DuLaurent,

Assistant Clerk.

(Endorsed)

Transfer of one-half of my brother's share.

TEXT

du 27 octobre 1698. Session de Mr henry Detonty amr  
alphonse de Tonty déposé pour minutte de ce Jour

12 En Consequence de La donation que Sa Majesté nous  
a faite à Monr de La forest et a moy du fort St Louis  
et pays des illinois dans La Louisiane avec les meme  
droits et prerogatives de feu Monsieur Cavelier de  
La Salle nous ——— permettant den Jouir nous et  
not hoires; Je henry de Tonty Seigneur des Illinois  
ay Consédé et Concede a alphonse de Tonty mon frere  
de present Commendant a missilliquina, La moitié de  
ma part et Luy donne pouvoir des appresent den  
Juoir avec les mesme droit et prerogatives Comme  
dit est Cy dessus Luy et les siens Comme il nous est  
permis par la Concession que Sa Majeste nous a fait  
et pour que le dit alphonse detonty et Sés descendans  
jouissent paisiblement de ma ditte moitié sans que  
personne y puisse pretendre ni apporter auCun  
obstacle Jay fait et signé de ma propre main la  
presente donnation en presence des tesmoins sousigné  
fait a missilimaquina le 10me Sepbre 1698

henry Tonty

VENSENNE. Delliette. Arnaud

On reverse:

Cession de la moitié  
de la part de mon frere.

Copyist's note:—paraph after signatures of Delliette  
& Arnaud.

paraphé ne Varietur  
Verrier P. Seal  
DuLaurent  
greffier Commis.

ELIZA JANE POITEVENT NICHOLSON\*  
("PEARL RIVERS")

A BIT OF A TRIBUTE

*By James A. Renshaw*

Some few months back Mr. W. O. Hart read a most entertaining paper on the life of Mrs. E. J. Nicholson, citing her many achievements and the consequent honors which came to her. It was a pleasure and of interest to all who heard it.

In the few words that I shall say this evening, I shall endeavor, through the medium of one or more of her accomplishments, to show not what she did, but what she *was*; to give an intimate picture of the woman herself; to place her before you as she appeared to those who met her almost daily. I trust I may succeed.

It is very gratifying that I should be permitted to read before the Society this little sketch of and tribute to a woman whose life was one of kindly deeds, and who has left her impress on the history of New Orleans in bold and lasting strokes.

Louisiana claims Mrs. Nicholson as one of her daughters, for it was in this city that her life expanded in all its fullness; she was, however, born March, 1843, in the southern part of Mississippi, at the family home on Pearl River.

While yet a very young child, due to the continued severe illness of her mother, she went to live with her aunt, Mrs. Leonard Kimball, who resided near the site of the present little Mississippi town of Picayune. Here the little girl grew up into young womanhood. Implanted in her was a wonderful love of nature, that with the passing of the years widened out into an all-embracing desire for the betterment of everything about her.

Romping through the woods and meadows, the child had as her companions the birds, the flowers, and the insects of the field; and so responsive was her poetic nature that many dainty verses attested her loving spirit. These were later published in book form under the title, "Lyrics by Pearl Rivers." You will note the pleasing choice of the *nom de plume*. There is a charm about these youthful productions, so simple, so sweet, a something akin to the whistle of the birds and the drum of the locusts of which she writes.

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\*Paper read before the Historical Society June 26, 1923.



As an example of her earlier writings I give the following:

A WHISTLING POEM

Whistling through the corn-field,  
Whistling a merry air,  
My feet are deep in the pea-vines,  
And tangles are in my hair.

Old folks say 'tis unlucky  
For maidens to whistle; still,  
Life is a rugged country,  
And whistling helps up-hill.

And whenever my heart is happy,  
A whistle is sure to slip  
Cheery, and sweet, and mellow,  
Over my rosy lip.

Ho! maiden with stiffy manners,  
And lips looking prim and tart,  
Far back in the days of childhood  
Your teacher was prudish Art.

But I went to school to Nature,  
And e'er in my class stood high;  
The birds were my merry classmates;  
They whistle, and why not I?

And what if I sometimes whistle,  
For that will you cry out shame?  
For that am I less pure-hearted?  
Less womanly? Much to blame?

No! I'll whistle when I've a mind to,  
I'll whistle out loud and clear,  
I'll whistle up hope and courage,  
And whistle down grief and fear.

I'll whistle when clouds are murky,  
And whistle when skies are blue;  
I'll whistle when friends prove traitors  
And whistle when friends prove true!

And I'll whistle and whistle, and whistle,  
All through the field of corn;  
I'll whistle at noon, and whistle at night,  
And whistle at early morn.

And whistling, whistling, whistling,  
I'll whistle my own way through,  
And whistling, whistling, whistling,  
I'll whistle this song at you!

I have chosen these verses to read, for in the earlier years of our friendship Mrs. Nicholson gave me a copy of her "Lyrics," and Mr. Nicholson, opening the book, read this "Whistling Poem," and so I thought perhaps this little brain-child might be very close to her.

Later on in the maturity of her years, she wrote a more pretentious poem, *Hagar*, which met with favorable comment. These excerpts from this work will show the wonderful stride from woodland song to powerful verse.

HAGAR

Go back! How dare you follow me beyond  
The door of my poor tent? Are you afraid  
That I have stolen something? See! my hands  
Are empty, like my heart. I am no thief!  
The bracelets and the golden finger rings  
And silver anklets that you gave to me,  
I cast upon the mat before my door,  
And trod upon them. I would scorn to take  
One trinket with me in my banishment  
That would recall a look or tone of yours,  
My lord, my generous lord, who sends me forth  
A loving woman, with a loaf of bread  
And jug of water on my shoulder laid  
To thirst and hunger in the wilderness!

\* \* \* \* \*

I go!

But I will teach my little Ishmael  
To hate his father for his mother's sake,  
His bow shall be the truest bow that flies  
Its arrows through the desert air, his feet,  
The fleetest on the desert's burning sands;  
Aye! Hagar's son a desert prince shall be  
Whose hand shall be against all other men;  
And he shall rule a fierce and mighty tribe,  
Whose fiery hearts and supple limbs will scorn  
The chafing curb of bondage, like the fleet  
Wild horses of Arabia.

As the young girl grew in years she every now and then came to this city to visit her grandfather, Mr. Samuel Russ. Even then a contributor to the columns of the *Picayune*, she in this way became acquainted with Mr. A. M. Holbrook, then owner of the paper, and a year or so after the close of the war between the States, she was attached regularly to the staff.

She was of slight build, with a face that would light up every now and then with a winsome smile, her hair of auburn tint, and her manner gentle and unassuming. Such was the woman, who but a few years later became a power for good in this community.

In those days the *Picayune*, which had spanned already a full lifetime, was in more or less distress. Mr. A. M. Holbrook, who had long been with the paper, was still its head. He became attached to the young writer, and in due time Miss Poitevent became Mrs. Holbrook; their married life was, however, of comparatively short duration, for Mr. Holbrook died not long thereafter. Then it was the woman showed the strength that was within her.

She at once assumed control. Assisting her was Mr. George Nicholson, who had long been the business manager of the paper; his extended experience and his acquaintance with the moneyed institutions of the city were of great help. The affairs of the paper had, however, become so entangled, that adverse interests instituted suit, the litigation lasting through several years to be finally decided in her favor.

It must be borne in mind, that at the time now referred to, the emancipation of the gentler sex was still to a great extent in dreamland. So when this bit of a woman assumed control of a metropolitan journal, she took a step far in advance of the period

and so became undoubtedly the first along that line in the South, if indeed such was not the case in regard to the country at large. There must have been and were days of despondency; for the work was strenuous and at times conflicting interests were battling strongly, but her courage never faltered.

After several years of widowhood, she married Mr. Nicholson, and under their joint management, the paper, rid of lawsuits and debts, prospered.

During all these days, from the moment she took control, she was actively engaged in improving the paper in every way. She was pleased to encourage any bright young writer, and thus attached to her staff several, whose early promise was made good in later achievements. The friendships thus enkindled between her and her proteges lasted on through her lifetime, and remained pleasing memories to those who survived her.

Her judgment and foresight were prominent qualities. Feeling sure that in the end it would popularize her paper, she made a daring move and under the caption of the "Society Bee," chronicled every Sunday the doings of the *beau monde* during the week then ended. The "Bee" was supposed to buzz its way through open door or window into the homes of society folk, gathering as its sweets the details of this or that entertainment for the next Sunday's feast. Times were different then from what they are today, and more than one note did the paper receive from some indignant head of a family protesting against this intrusion into the privacy of the home. What required only a column or two then now fills pages, so eagerly do those, who formerly sought to keep out, now try to go in.

The office of the paper was in Camp Street, directly opposite Commercial Alley. Those who have been privileged to climb the dingy stairs to the second floor and then through twistings and turnings—for the place was cut up into various rooms and passages—to reach the den or office of Mrs. Nicholson for a friendly chat, remember the pleasure of those visits, for the gentle woman had never an unkind word. Notwithstanding the many duties that necessarily were hers in the conduct of a great paper, Mrs. Nicholson found time to bring to successful issue her ruling desire for the betterment of life about her.

Her love for animals was second-nature; and any abandoned Fido was indeed a lucky dog, if it passed her way, for she would take it in and give it a home. She practiced what she preached.



And so, when she approached the legislature to pass the necessary law for the protecting organization, she met with ready response.

She delighted in every move for the public good and welfare, doing her work in this regard without ostentation or display; and with the paper under her control, her support was of more than ordinary importance. She liked to help. Her published account of the remarkable work of Sophie B. Wright in her initial efforts with her school enabled that great and good woman, through the publicity thus given, to widen her work into the grand results which were obtained. Mrs. Nicholson promoted, or she assisted in so doing, welfare associations of every kind; and perhaps no work of this description then existed that did not owe something of its success to her.

In her home life, Mrs. Nicholson proved herself a devoted wife, a loving mother and a gracious hostess. With those who claimed an intimate friendship, she put aside all formality and spoke freely of her desires and her dreams; she made the caller, as it were, part of herself, her enthusiasm becoming his enthusiasm, her wish his aim and purpose.

In the early part of 1896, Mr. Nicholson, then close to 76 years of age, fell sick with the grippe. On the fourth of February this worthy citizen passed away. There was so much of genuine affection that bound this couple, the one to the other, that it was a matter of no great surprise, when on the 15th of the same month, or less than a fortnight after the death of her husband, the spirit of Mrs. Nicholson also took its flight.

She sleeps out in the quiet at Metairie; but she still lives in her graceful writings; she still lives in the many welfare associations which she either organized or aided; she still lives in that great newspaper plant, *The Times-Picayune*, towards which she contributed so largely; and she still lives, a bright and fragrant memory to those who knew her as a friend.

**THE LESUEUR COLLECTION**  
**OF AMERICAN SKETCHES IN THE MUSEUM OF NATURAL HISTORY**  
**AT HAVRE, SEINE-INFERIEURE.**

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Under this title, Mr. Waldo G. Leland of Washington, D. C., publishes in the June number of the Mississippi Valley Historical Review an account of the collection of the American Sketches of Charles Alexander Lesueur, a French naturalist and painter, of subjects of natural history made during twenty-one years' residence in America, 1816-1837. The sketches made before 1826 were principally of subjects in the Eastern States, but in that year he established himself at New Harmony, Indiana, and thereafter made visits to New Orleans in 1828, 1829, 1830, 1831, 1834 and 1837. He traveled by way of the Mississippi River, making his descent generally in March by flatboat and returning by steamboat. The first of these journeys lasted from March to December, 1828, and the sixth and last trip was for the purpose of taking passage at New Orleans for Havre, where he landed in July, 1837.

"On these journeys Lesueur made many sketches along the Ohio below Mount Vernon and along the Mississippi between the mouth of the Ohio and New Orleans. The little towns growing up along this natural highway had a special interest for him, and his drawings record the aspect of such villages as New Madrid, Missouri; Randolph, Tennessee; Memphis; Greenville, Mississippi; Vicksburg; Natchez and others. He also made many sketches in and about New Orleans and of familiar scenes up and down the river; dance halls, steamboat interiors, cabins, snags and floating timber, wood piled up on the banks for fuel, as well as studies of human types, negroes, Choctaw Indians, rivermen, backwoodsmen and others. Some dozen of his sketches on the Mississippi he so far completed as to engrave; and their proofs, which are reproduced by Dr. Hamy<sup>1</sup> are in the collection at Havre."

Mr. Leland says that the period covered by these sketches, 1816-1837, was one in which English and European, as well as American travelers, were touring America in increasing numbers and publishing accounts of their travels, and "No traveler could lay claim to having made the 'grand tour' of the United States

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<sup>1</sup>Dr. E. T. Hamy. "Les voyages du naturaliste Ch. Alex. Lesueur dans l'Amerique du Nord (1815-1837) in *Journal de la Societe des Americanistes de Paris*" 5: 1-103.

unless his itinerary had included the river journey between Pittsburg and New Orleans." He adds further that the value of Lesueur's sketches lies in the fact that as a whole,

"they represent for the most part the commonplace, the normal, the usual, rather than the extraordinary: they bring before us in most realistic fashion the everyday scenes of the period as they must have appeared to the 'average citizen' and thus they aid to a better understanding of the everyday life of the time."

He recommends the reproduction in one or two volumes of some five hundred of these drawings, selecting these from the best executed and with reference to the greatest value as historical documents.

We are not unacquainted with Lesueur's work, but it is well to be reminded by Mr. Leland's paper that photographic negatives of the drawings by Lesueur relating to the Mississippi River, (some sixty in all) have been acquired by Mr. William Beer and are now in the Howard Memorial Library at New Orleans. Not only do we join in the opinion that the collection suggested by Mr. Leland should be made, edited and published, but we think it would do no harm to make a start here at home by interesting Mr. Beer<sup>2</sup> in the publication of his collection.

There is attached to Mr. Leland's paper a complete list of volumes, cartons and folders and a list of selected sketches taken from the Lesueur Collection. Among the former we note a bound volume, "Voyage en Amerique No. 5"; covering sketches "New Harmony to New Orleans on the Ohio and the Mississippi, 1828, 1829, 1830," and another, No. 6, "New Orleans and Environs, 1828, 1830." Among the sketches there are listed:

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<sup>2</sup>In 1910 I learned from a sketch of the life of Lesueur which appeared in the *Journal des Americanistes*, that the drawings of the Mississippi which he had bequeathed to his nephews in Paris, had been deposited by them in the Museum of Natural History at Havre, a very fitting place, since most of the life of Lesueur had been spent as curator of the collections in that museum. I immediately sought the permission of the Minister of the Interior in Paris, to examine these drawings and procure negatives of those which related to the Mississippi and New Orleans, including two or three of Niagara Falls.

After long years of neglect this museum has happily found an enthusiastic curator in the person of Dr. Loir, a relative of Pasteur and an exponent of Pasteur's discoveries in Australia.

The drawings of Lesueur include a great number of beautifully colored illustrative of the marine fauna of the southern Pacific, the American series is the result of many trips from New Harmony to New Orleans, those of special interest are about sixty in number. A heavy duty was assessed on these, but on application the authorities in Washington allowed them to be admitted free. These negatives are now in the Howard Memorial Library, New Orleans.

WM. BEER.



193. Point Coupee, (1828?) (v)
194. Bayou Sara (1828?) (v)
195. Bayou Sara Ballroom (1828?) (vi)  
Rough sketch showing man and woman dancing.
196. New Orleans, "Habitation de M. Guilmin pres la  
Nouvelle Orleans" (1828?) (vi)
197. New Orleans, long low building with columns (1828?)  
(vi)
198. New Orleans, row of houses, July 7, 1828. (vi)
199. Bayou St. Jean, "Vue sur le Bayou Saint Jean, prise de  
la maison de M. Albion Michél" (1830?). (vi)  
Houses, negroes, fishermen, two-wheeled carriages,  
etc.
200. "Vue du pont sur le Bayou Saint Jean," May 28, 1830.  
(vi)
201. "Bateaux du Bayou Saint Jean." (vi)
202. Lake Pontchartrain, boat landing. (vi)
203. Lake Pontchartrain, May 15, 1830. (vi)  
An engraving by Lesueur (vii, 1) is reproduced  
by Dr. Hamy.
204. Lake Pontchartrain, "avec le phare de l'entree du canal  
du Bayou Saint Jean." (vi)

We congratulate The Mississippi Valley Historical Review upon its good luck in obtaining Mr. Leland's valuable and interesting paper and we trust its publication will result in awakening public interest in this unusual presentation of life in the West and South during the early years of the last century.

HENRY P. DART.

## AN INTERESTING MEDICO-HISTORICAL EXHIBIT.

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During the meeting of the Louisiana State Medical Society, held in New Orleans, April 24-26, 1923, there was assembled in the library of the School of Medicine, Tulane University, a collection of a medico-historical character which represented the first organized effort to acquaint the profession and the laity of Louisiana with the accomplishments of the city and state in the field of medical adventure.

Among the portraits of Louisiana's distinguished medical figures that of Dr. Gustav Devron was conspicuous. As is remembered, Dr. Devron occupied the position of First Vice President of the Louisiana Historical Society and was an essayist of unusual literary ability.

Altogether the exhibit was one of extraordinary interest and instruction, comprising besides a large number of photographs of noted medical practitioners and writers, many documents, pictures and books of rare antiquarian value—almost the entire collection was loaned by Dr. Rudolph Matas, for it is his personal enthusiasm and knowledge of the subject that has made such a collection possible. It is hoped that this exhibit will form the nucleus of a permanent Hall of Medical Fame in which the many notable internists and surgeons of the state will find a lasting shrine. The Library of the School of Medicine will welcome any additions to its galaxy of photographs and files of state journals, proceedings of societies, and individual medical monographs.

JANE GREY ROGERS,  
Librarian, School of Medicine  
Tulane University.

Year

1781.

CRIMINAL CHARGES  
OFFICIALLY PROSECUTED

against

Maria Clas, and her husband

Juan Clas, an Englishman.

for

the murder of Maria Emelia.

No. 3474.

Court of Acting Governor

Clerk

PEDRO PIERNAS.

LEONARDO MAZANGE.

---

Ano

de

1781.

CRIMINALES  
SEGUIDOS DE OFICIO

contra

La Nombrada Maria Clas, y su

Marido Juan Clas ingles,

sobre

haver dado la muerte a la

nombrada Maria Emelia.

N. 3474.

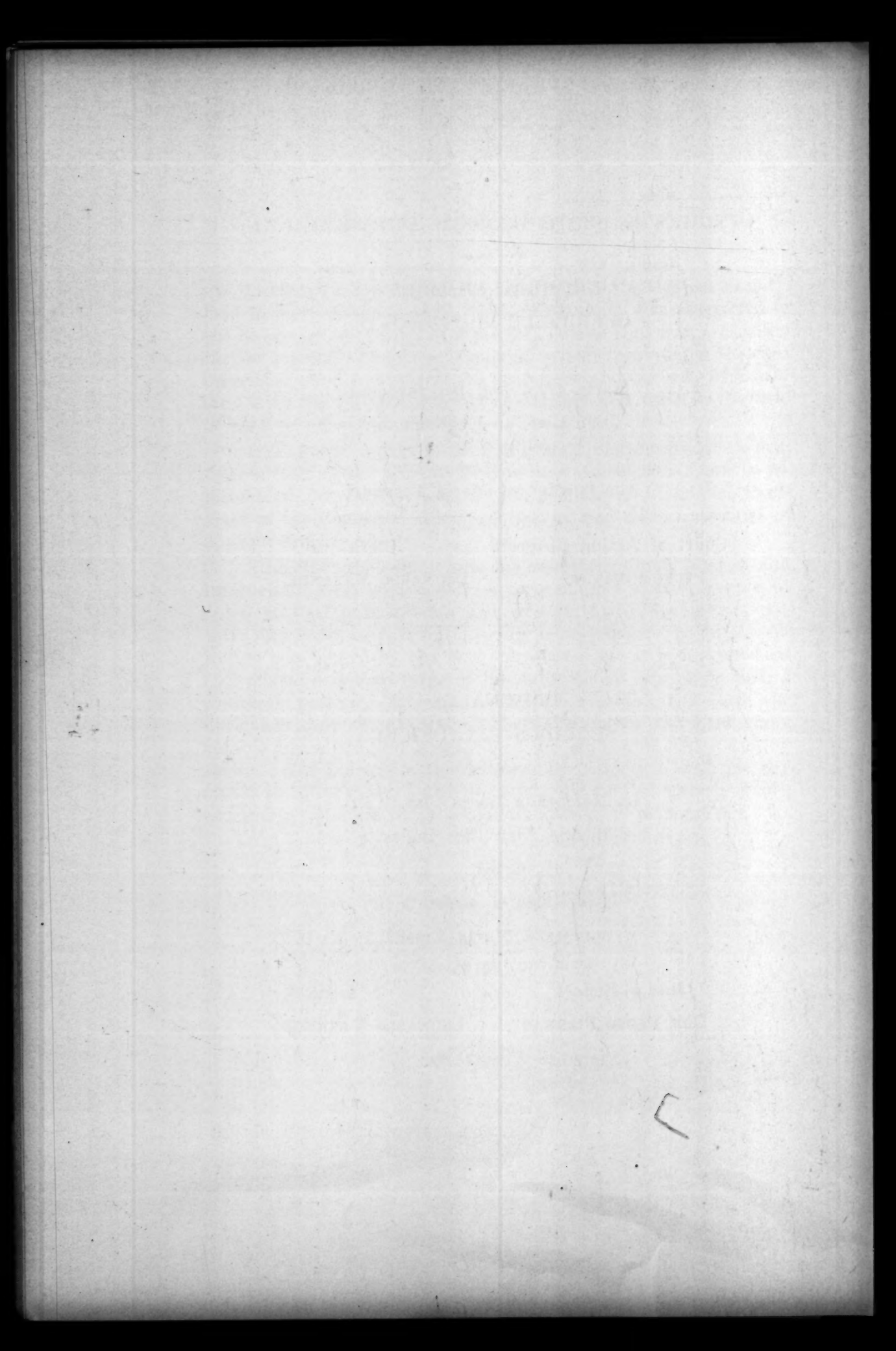
Juez el Señor

essno.

DON PEDRO PIERNAS

LEONARDO MAZANGE





## TRIAL OF MARY GLASS FOR MURDER 1780.

(Spanish Judicial Records of Louisiana.)

The documents here printed have a singular interest to the historian of our legal system, and they preserve besides a vivid story of a hideous crime, committed in "English Point Coupee in the District of Baton Rouge in 1779." It will be remembered that the whole eastern bank of the Mississippi River except New Orleans, fell into the hands of England as a result of the treaty of 1762, which stripped France of her American continental possessions. During our Revolutionary War, Spain declared war against England in May, 1779, and on September 21 of that year, Governor Galvez captured Baton Rouge and drove the English out of West Florida. He left Carlos des Grandpre in command and Captain Pedro Jose de Favrot in charge of the fort of Baton Rouge.

Under the terms of the capitulation the English magistrates at Baton Rouge were permitted to continue for the time being in the exercise of their functions, and it was during this period that Mary Glass fell under suspicion. Our record opens with the letter of February 7, 1780, from Judge Henry Alexander to Captain Favrot, submitting depositions substantiating the suspicion and invoking the aid of the latter to establish the fact and prosecute the offender.

This was followed by the arrest of the accused and thereafter the investigation went rapidly forward, both officials acting in harmony and interchanging the results. We have in consequence a remarkably good report, made up in French, English and Spanish, from which we can follow the operation of a judicial proceeding of 1780 conducted according to English, French and Spanish forms. This shows that the culprits were duly investigated according to the French method, with which we have familiarized our readers in previous pages of the Quarterly; contemporaneously the English judges conducted a similar inquiry and finally an indictment was found in good classic English style. The Spanish commander stood by and permitted a trial before a court made up of three English magistrates and three jurors and thereafter approved their verdict and confirmed the

sentence. These papers were then forwarded to Governor Galvez at New Orleans, and in due course they were approved by Acting Gov. Pedro Piernas and Judge Postigo, his Assessor.

In his report to Acting Governor Piernas, Captain Favrot asked to be excused "if possibly I have not followed the form and custom of a civil procedure. It is the first time I found myself in such a case, deprived of law books which might have instructed me and given me the protocol followed in such circumstances."

It is due to this that there is preserved for us this very interesting illustration of the three legal systems that prevailed at that moment in Baton Rouge—French, English and Spanish.

Mary Glass was a free quadroon from "the North of the Carolinas," married to a renegade white man, a native of Strasburg and a deserter from the English Army. In the charge it is stated that the mulatress, as she is called, had tortured and slowly done to death one Emilia, a fifteen-year-old white girl, who had formerly lived as an indented servant to William Walker, Esq., who had left the country and gone to St. Vincent. John Glass was charged as an accessory. Emilia seems to have been a sort of a waif and estray who had fallen into the hands of this she-devil, who had a house at False River but who had crossed to the English side (Baton Rouge District) about the time of Willing's descent upon the English (1778). It was at this last place of residence that the indictment laid the commission of the crime in December, 1779. The revolting story is brought out in the various statements of the witnesses and in the continuous interrogations of the accused by Captain Favrot. The man, John Glass, broke down finally and confessed, implicating his wife (for it appears that they had been duly married in Natchez) and then Mary Glass was confronted with this confession and while denying the crime, confessed the girl was dead. All this is told with vivid brevity in the plain language of witness or judge without mincing words or shamefacing the truth.

It was the fashion in those days to examine the witnesses out of the presence of the accused, and then to interrogate the latter as to the facts there developed. This went on in this case until the wretches were driven to desperation; they literally had no chance, having been lodged in prison from the first and they were brought out only to be subjected to further interrogation.



In the end the court and jury found Mary Glass guilty and condemned her in the same finding to mutilation before hanging, to be hanged and to have her head severed and posted on a pole at Brown Cliffs, Point Coupee. John Glass was also found guilty but recommended to the clemency of the Governor.

The local authorities had acted with great diligence; the complaint of Judge Alexander was dated February 7, and on March 16th, 1780, the sentence of death was pronounced. But when the record went to New Orleans for approval, Mary Glass had a respite until January 17, 1781, which was the date Governor Piernas confirmed the judgment. But the murderess was not at the end of her resources and she succeeded in staving off her execution until July 26th, 1781, by means which the last pages of this paper will indicate. On that day she was hanged in the public square at New Orleans and the last document sets up in great detail the Spanish officials' account of the parade, proclamation and execution before "a considerable concourse of people."

This record has been in the course of preparation for more than a year and we have been assisted in the French translation by Mrs. Heloise H. Cruzat, in the Spanish by Dr. J. Franklin Jameson of Washington, and Miss Laura L. Porteous of New Orleans. We omit the French and Spanish texts because we have been extremely careful with the translation and our space would have been unduly taxed by the repetition. The record is in good shape, stitched after the Spanish manner in one volume, and it can be easily consulted in our depository at the Cabildo.

HENRY P. DART.

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I.

*Letter from Judge Harry Alexander, British Judge at Baton Rouge, to Mr. Favrot, Spanish Commander at that place.*

(Original in French.)

SIR:

Baton Rouge, Feby. 7, 1780.

As you have the honor to command in this District for H. C. M.<sup>1</sup> and being a Civil Magistrate for H. B. M.<sup>2</sup> and charged with others by his Commission to preserve the lives and liberties and the peace of the people in the Province of West Florida, which responsibility I also have the honor of holding towards the people of the District of Baton Rouge, by the liberal terms of capitulation granted the inhabitants by a generous conqueror.

I have the honor to inform you that I have received information and the presumption is strong and forcible, that a certain free mulatress, named Marie Glass, residing in the former English territory, has lately by reiterated acts of cruelty and of great barbarity, killed or caused the death of a white girl named Emilia, a British subject, who lived at her house. This is why I pray you, Sir, to permit me to solicit your assistance in aiding me to unravel the truth of an accusation of a nature so atrocious.

The knowledge I have of your humanity and justice and of your respect for the sacred rights of a conquered people whom you have been appointed to command, gives me hope that you will be pleased to make every effort to clear up this hidden and suspicious fact; and that, if the accused is found guilty, you will take such steps that she may not escape justice and due punishment for her crimes.

As a prelude to your investigations, I have the honor to transmit to you the depositions of five different persons, given separately, before me, without connection and out of hearing of each other.

I have the honor to remain with great respect and consideration, Sir,

Your most humble and obedient Servant,

Signed: "Harry Alexander."

Endorsed: To Mr. Favrot, Commander at the Fort of Baton Rouge, etc.

NOTE—The depositions referred to in the above letter do not appear to have been made part of the original files. EDITOR.

<sup>1</sup>His Catholic Majesty.  
<sup>2</sup>His Britannic Majesty.



## II.

*Complaint of Odet Baronniere to Captain Favrot against Marie Glass, and slips attached thereto.*

(French text.)

To Monsieur de Favrot, Captain, Civil and Military Commander  
at Fort of Baton Rouge:

Sieur Odet Baronniere, a pack merchant (peddler), has the honor to represent that going up to Pointe Coupee to sell his wares, he was hailed by one Marie Glas, an English mulatress, at the waters of the Cliff. Having reached her, she asked to buy sugar and coffee, and having weighed them in my scales, the said Marie Glas, not relying on my weights, wished to weigh them in her gown. The weight there being more than a half pound over, I tried to take out the over weight. The said Marie Glass having pushed me away, I persisted in trying to recover the surplus weight. The said Marie struck me with her fist in my face and the blood spurted. I sought to return the blow to defend myself, but the said mulatress, quicker and more skilful with a stick than I am, seized me by the collar and struck me several times before an Englishman and two English women, at her house, whom I do not know. They helped her, the Englishman held me and the women handed sticks to the said Marie to strike and batter me with. If my negroes, two of whom belong to me and two hired from Mr. Geraume, may be believed against a mulatress, they will testify to the truth of my statement.

Wherefore the petitioner has the honor to pray that justice be done him, that the mulatress Marie Glas appear before you, to undergo such punishment as prescribed by the Black Code.

The petitioner puts his trust in your equity and justice against a person known to be capable of every crime, of which you will be convinced on investigation, and certifies and has signed.

The petitioner will not cease to remain with great respect.

At Baton Rouge, February 10, 1780.

Signed: "Odet Baronniere."

Let it be done as requested.

February 10, 1780.

Signed: "Pedro Jose de favrot."

(Slip.)

I do certify to all whom it may concern that Marie Glas did beat my Indian, named Canty, Mr. Patin being present, who prevented the Indian from taking his revenge, which would have gone badly with him, and I sent him to carry a complaint to Monsieur de Grandpre, who punished this griffe. I give this present to serve and avail as need may be. At Pointe Coupee, February 15, 1780.

Signed: "Allain."

*Endorsed:*

(Complaint against Marie Glasse.)

(Slip.)

I, the undersigned, certify that the said Marie Glas, insulted me by injurious epithets, even putting her fist under my nose and by calling me a rascal, and that this present is the truth. At Pointe Coupee, February 22, 1780.

Signed: "Joseph Patin."

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III.

*Arrest of Marie Glass and John Glass and examination of latter before Favrot.*

(Original in French.)

On this day, February eleventh, one thousand seven hundred and eighty, having ordered the arrest of an English mulatress named Marie Glase, accused of having struck Sieur Baronniere and for other reasons which information was given us verbally, one Valarie, a corporal of my garrison, sent under my orders to bring in Marie Glase, who had arrived, informed us by his declaration that he arrested two runaway negresses and a negro, of whom one negress escaped and the other was brought in with the negro and are now in prison with the said Marie Glase.

Wherefore we ordered the arrest of Jean Glase, pretended husband of the said mulatress, now imprisoned in the prison of this fort baton Rouge, to be interrogated separately, on several deeds of which the man named Glase must have knowledge.

Said Jean Glase was summoned to undergo the following interrogation, viz:

Q. We asked the said Jean Glase to take an oath to speak the truth on what he knew of the conduct of the English mulatress Marie, suspected of several deeds.

A. The appearer declares and swears on the Bible to tell all he knows.

Q. We asked Jean Glase what religion he professed.

A. He answered: the Catholic, Apostolic and Roman Religion.

Q. We asked in what place and country he was born.

A. He answered that he was born at six leagues from Strasburg.\*

Q. We asked him what profession his father and mother exercised.

A. He answered that his father worked in linen and that his mother had no trade.

Q. The name of his father and mother?

A. He answered that his father was named Jacob Glase and his mother Ann Glass.

Q. We asked the appearer what was his profession.

A. He answered the trade of a miller.

Q. We asked how he came to this Province.

A. He answered that he came as a soldier in the 34th Regiment of H. B. M. and having deserted shortly after his arrival here about seventeen years ago.

Q. We asked him if he had been married.

A. He answered that he was married at Philadelphia, that he had felt his wife at Illinois, as she would not follow him, that his wife still existed, that she was living with a sargent of the American troops.

and he answered that he was legally separated and therefore he had been married to the said Marie, mulatress held in prison.

We asked him where he was married.

He answered that he was married at Natchez to the said Marie Glase; that it was a conscientious marriage and of promise kept in good faith.

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\*In text, Trasebourg.



I here note that the said Jean Glase heretofore told me in the presence of witnesses, Srs. Alvarez and Valere, that he was legally married by Mr. Varchille.

"Witness Fernando Alvarez" "This was truly heard  
by the witnesses who signed  
"Witness Pierre Valer" with us:

Pier Jos. favrot."

After making all these interrogations we asked the man named Jean Glase; if he had been witness of the quarrel his mulatress had with Sr Baronniere, pack merchant, going up to Pointe Coupee.

He answered that he had not, that he was on the other side of the river that same day and this is attested to be the truth by the plaintiff and witnesses.

Done before me

"CL favrot"

We asked him why he allowed in his house or at Marie Glase's runaway negresses and negroes.

He answered that he knew only of the negro owned by Mr. David Ross; that he had notified on his arrival, but that when the negro reached there his foot was very swollen. But, as to the negress, he knew nothing of it and that she could not have reached there but at night or the eve of the day on which my guard had arrested them. We asked the man named Jean Glase if he had any better reason to declare.

He answered that he was innocent and that what he had said and declared was the truth and he signed his ordinary cross, in the presence of the aforementioned witnesses, on this day and year, February eleventh, 1780.

"witness Fernando Alxarez" "+ Cross of the man named  
jean Glase."

I certify and attest that faith may be had in the present declaration made before me in the presence of the witnesses who signed this day. Fort Baton Rouge.

February 11, 1780.

Signed: "Pedro Jose de favrot."

## IV.

*Examination of Marie Glass before Captain Favrot.*

(French Text.)

We, Captain, Civil and Military Commander at the Fort  
Baton Rouge, etc.

On this day, February eleventh, one thousand seven hundred and eighty, on complaint and accusation laid before us by Sieur Odet Baronniere, by his petition of the 10th inst., that a certain English mulatress, named Marie Glasse, residing at the waters of the Cliff, maltreated Sr. Baronniere with blows, wherefore, on the same day we sent for the woman named Marie Glass, now held in the prison of this fort, whom we have summoned before us to be interrogated as follows:

Q. We asked the accused, Marie Glase, where she was born.

A. She answered that she was a native of the North of Carolina, of the village of Barliss County.

Q. Asked who were her father and mother

A. She answered that she was born of a quadroon and that her father was a negro; both free; of the Anglican religion, that she was aged thirty-seven years.

Q. We asked how she came into this province.

A. She answered that she came to the Natchez with Indians and planters, over land, about eleven or twelve years ago.

Q. We asked how she had lived and what were her means,

A. She answered, by her work, efforts and industry.

Q. We asked the accused if she was married,

A. She answered that she was married to one Jean Glase, former soldier and deserter from the 34th Regiment of H. B. M. who was previously married to a woman of the same nation, but now legally separated; this first wife still living.

Q. We asked the accused, Marie Glase, for what reason she was in prison.

A. She answered that she believed that it was for a quarrel that she had with Sr. Baronniere, who seemed to have entered a complaint.

Q. We told the accused that she was about to be judged according to the offense, in conformity to the laws, that I had several suspicions of her conduct and that she would not escape the penalty due to a crime, that I would proceed to the proving of several crimes, brought to my notice and that I awaited testi-

mony. Wherefore we summoned before us the said Marie Glase, who swore and took an oath to declare the truth of this accusation and to speak plain truth of all that will be mentioned.

A. The accused answered and swore on the Holy Name of God, to speak the truth, wherefore we proceeded as follows: primo—We asked the accused Marie Glase what had been the reason of her quarrel; if she knew a merchant journeyman named Odet Baronniere.

A. She answered that she knew him for having seen him, having called him to buy sugar and coffee, that Sr Baronniere was going up to Pointe Coupee, having stopped at her house situated at the waters of the Cliff, and that the merchant having weighed the sugar and the coffee, she wished to reweigh them in her gown; that having weighed and found some missing in the weight, Sr Baronniere tried to withdraw some of it; that wishing to prevent his doing so and persisting in it, Sr baronniere struck her first and called her a jade, that she had defended herself by repulsing her adversary but without striking him.

Q. We asked the said Marie Glase how Sr Baronniere could have come by the clawing and the blows, the marks of which I saw on his face, his shirt still being full of blood, as also his handkerchief, which he presented to me as true testimony and corroboration of the justice of his charge.

A. The accused answered that she did not do it but himself when he struck her, whilst wrestling to get away from her hands; that Sr Baronniere may have received a counter blow when he raised his head.

Q. We asked the accused if there were any witnesses.

A. She answered that there was an Englishman and two women of the same nationality, residing at Pointe Coupee.

Q. We asked what were the names of the witnesses.

A. She answered that the man was named Mile and of the two women, one was named Venifred Russ and that the other was a girl called Catherine Weste, who prevented Sieur baronniere from maltreating her and killing her; that he had called to a negro in his pirogue for his gun.

We called as witnesses the negroes rowing in Sr Odet Baronniere's boat, in which there were two belonging to the said Sr B. and two hired from Sr Geraume, at New Orleans, who declared that they had been called by Marie Glase, the said mulatress



who asked to buy sugar and coffee from Sr Baronniere; having been weighed, the mulatress not believing that she had the right weight, wished to reweigh the whole in her gown; There was too much of it which the merchant tried to withdraw. marie Glase repulsed Sr Baronniere who persisted in taking out the overweight and that the mulatress struck him with her fist, and that Marie Glase, being the stronger of the two, maltreated Sr Baronniere who had the underhand.

We sent for the said Marie Glase to be confronted with Sr Baronniere, who being present at the interrogation, maintained that the mulatress, Marie Glase, struck him and showed the marks Marie Glase made. The accused answered that Sr Baronniere hurt himself when he struck her and persisted, to the said Sieur, that she never struck him. We summoned the four rowers who maintained to the said Marie Glase that she had badly maltreated the said Sr Baronniere.

We showed the accused testimony which proves her guilty, and makes her seem capable of anything and that there are suspicions against her of subsisting solely by illicit means and that the proof was found, when my guard arrested her at her house, they also arrested two runaway negroes belonging to planters of Pointe Coupee. One of them escaped and the other was found to be the property of Sr D'ausa, who came to claim the said negro in prison, and a negro belonging to Sr David Ross, who being impeded by sore feet, was found by his master.

The said Marie Glase answered that of the two negroes she knew only of one who had arrived at her house the eve: this same negro was a fugitive for over four months.

The said Marie Glase convicted of several crimes and accusations which will be investigated, I remand her to prison until fuller information, and I sentence her to be prosecuted criminally to be judged with the full rigor of the laws and her movables and immovables to be seized and sequestered until further orders. The said declaration of this act made before two witnesses summoned by us, Sieurs Alvarez and Valer who signed after foregoing had been read to the accused who says that she has nothing more to declare, in testimony of which, done and passed at Fort Baton Rouge, February eleventh, 1780.

Signed: "Pe Josef favrot."

"Witness Fernando Alvarez"

"Witness Pierre Valer."

On this day, February twentieth, we summoned to appear before us, Madam Venefred Russe and Madam Catherine Weste, both of English birth, residing at False River, Pointe Coupee, who both swore in the presence of the hereafter named witnesses, that they did not help Marie Glase to strike the merchant, Sr Baronniere. The appearers declare that Sr Baronniere struck the first blow and that a man named Mile will attest the same; the said Mile resides at Pointe Coupee. Passed before us on this said day.

Signed: "Pierre favrot Commandt  
at the said fort."

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V.

*Report of Corporal Valere of the seizure of the effects of  
Marie Glass.*

(French text.)

One Pierre Valere, a corporal of artillery of my garrison, sent by me to arrest the said Marie Glase at the Cliffs, held in the prison of this Fort, declares that having reached the house of the said woman at night, in execution of my orders, he found two negroes in Marie Glase's cabin. Having asked one of the negroes who he was, the negro answered that he belonged to Mr Ross and that he was sent by his master to take care of Marie Glase's house and effects. The said Valere says that he believed this answer to be the truth and felt no distrust and asked the negro to build a fire. The said negro going out for wood, went away with his gun which was in the kitchen adjoining Marie Glase's cabin. He then arrested the other negro whom he securely tied, who declared that he belonged to Mr Otte, an American officer, now in New Orleans.

The said Valere exhausted from fatigue and sleep, fell asleep about three o'clock in the morning, after having intrusted the negro to the keeping of two soldiers. The negro told the soldiers that he needed to go out, went out in their presence, advanced four or five steps and ran away, with his arms tied. He could not pursue him on account of the darkness, that there was danger in trying to overtake him, the place seeming suspicious, as he had heard cries and whistlings which he judged to be signals repeated: he is persuaded that in the depth of the plantation

there are many runaway negroes and that they will find the one who escaped. Such is the declaration of Sr Valere who signed this present. Fort Baton Rouge, February 13, 1780.

Signed: "Pierre Valer"

I declare that the declaration made and signed by Sr Valere is the truth, which may serve to prove that the house of one Marie, surnamed Glase, an English mulatress, is a place where any runaway negro and any rascal is harbored when they carry their stolen goods thereto and that the man named Valere brought me the horn and bag of a negro taken at the said Marie Glase's which contained thirty balls and several flint stones, etc. I attest this present to be true. Fort Baton Rouge, February 13, 1780.

Signed: "Piere Jose de favrot."

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VI.

*Inventory of Effects of Marie Glass seized by order of  
Captain Favrot.*

(French text.)

Inventory of Effects seized and confiscated for the King, belonging to one Marie Glase, an English mulatress, residing at the Brown Cliffs, District of Baton Rouge. Namely:

- 1 A good for nothing feather bed, covered with linen, weighing about fifteen lbs.
- 1 An old ticking cover.
- 10 Ten old chairs, two of which have no seats.
- 2 Two tables of cypress wood.
- 4 Four wooden tubs.
- 1 One wash tub.
- 1 A salting or powdering tub.
- 1 A china closet in shape of a cupboard.
- 3 Three empty barrels with iron hoops.
- 1 One barrel containing some twenty lbs. of English pepper.
- 80 About eighty lbs. of cotton seed.
- 1 A cotton gin.
- 4 Four old kettles, one of which is patched.
- 1 A frying pan.
- 1 An iron pot lid.
- 1 An iron chain for a pot hanger.
- 1 An old brass candlestick.
- 1 A pair of snuffers.
- 3 Three old pewter plates, half melted.
- 22 Twenty-two delph plates with a white ground.



- 1 A large dish idem.
- 3 Three earthen porringers.
- 1 A delph pitcher.
- 1 teapot (idem).
- 7 Seven hand baskets or large baskets.
- 2 Two winnowers, two sieves.
- 20 Twenty empty bottles.
- 1 One tin box containing two lbs of coffee.
- 1 A pair of small wooden scales.
- 1 An iron gun.
- 1 An axe with handle.
- 1 one idem without a handle.
- 1 A spade with handle
- 2 Two pick-axes with handles.
- 1 A hatchet.
- 1 A good for nothing saw.
- 1 A sheath.
- 1 A marking stamp with the letters E.M.
- Fifteen or twenty lbs of old iron, such as barrel hoops.

*Animals Transferred to Mr Proffitte's Plantation:*

- 2 Two cows with their followers
- 1 A heifer.
- 1 A sow.

In a cypress chest was found, Viz:

A bolt of blue Limburg, damaged and moth eaten.  
A pair of old woolen stockings,  
Four old keys without locks.  
A tin coffee-pot.

Another small chest covered with coarse linen in which was found Viz:

- 9 Nine pewter spoons.
- 5 Five iron forks.
- 4 Four knives.
- 3 Three files.
- 1 A mold for balls.
- 1 A pair of large scissors.
- 1 A pair of brushes.
- 3 Three awls.
- 1 A pair of carding machines to prepare cotton.
- 10 Ten old books written in English.
- 1 A remnant of calico ('provance') two ells.
- 1 A slate tablet.

In another cypress chest was found, viz:

- A small box containing a pair of metal shoe buckles, with another pair half size.
- 1 A white cotton jacket, half finished.
- 2 Two pairs of old thread stockings.

- 6 Six balls of cotton thread for knitting
- 1 A bodice of whalebone.
- 2 Two old white handkerchiefs.
- 2 Two old linen waistcoats with sleeves.
- 1 One idem without sleeves.
- 1 One pair in red calamanco.
- 1 An old mirror.
- 1 A dozen buttons with stones mounted on pewter for waistcoats.
- 3 Three white collars.
- A pair of brushes
- A wooden box containing 2 lbs. of sugar.
- A bag of balls weighing eighteen lbs.
- A bolt of "Chaulait" (linen) handkerchiefs.
- Another bolt idem containing seven with white ground and blue stripes.
- Opening of a fourth chest
- in which was found, viz:
- 1 a pair of woolen stockings.
- 2 Two old pairs idem of thread.
- A set of ropes for hides.
- 3 Three skeins of knitting thread, about one pound.
- 1 A pack of rags.
- 1 An iron square.
- 2 Two sets of knitting needles.
- 4 Four packages of sewing needles, etc.

Having found nothing else in the house of the woman named Marie and of Jean Glase but the articles mentioned in the present inventory, we had the two witnesses present at the said inventory to sign. Done on this day, February fourteenth, one thousand seven hundred and eighty, at Fort Baton Rouge.

"Witness Fernando Alvarez"

"Pedro jose de favrot

"

Capt. Commandant of said Fort."

## VII.

### *Report of Charles de Grand-Pre.*

(French text.)

Pointe Coupee, Feb. 24, 1780.

SIR:

Regarding the testimony which I can give regarding the fearless, audacious and rascally negress Marie, wife of Glas, an Englishman, both of whom have lately crossed over to the left bank of this river.

I shall say that she has previously made an Indian servant of Sr Allain feel the weight of her arm armed with a stick, and subjected an honest planter to the most provoking threats and the most atrocious insults. For this she was given eight days in a cell and it was resolved that on repetition of same she would be banished from the post, at the same time inflicting a fine; or to banish her from the Province if the case so demanded. Besides I had suspicions against these folks who seemed to subsist only by illicit means, as experience now proves, since you found in their house runaway slaves who would not have been taken in empty handed.

As to the investigation which you demand of me, I can not do so, the plaintiff not knowing the accomplices; but, by your interrogations in the course of the prosecution you will eventually find them out.

I have the honor to remain very sincerely, Sir, Your most humble and obedient Servant.

Signed: "Charles de Grand-Pre."

Mr Favrot.

On reverse:

To Mr Favrot Captn. in the Regiment of Louisiana, Commandt.  
at Fort of Baton Rouge.

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VIII.

*Testimony of Madame Widow Pierre Dumont and Charlo Glauze  
against the accused.*

(French text.)

On this twenty-sixth day of February, one thousand seven hundred and eighty, at nine o'clock in the morning, appeared before us, Captain, Commandant of Fort Baton Rouge, Madam Widow Pierre Dumont, to enter complaint against one Marie, surnamed Glace, English mulatress, formerly residing at False River, now living at the Cliff. . . The said Widow Pierre Dumont + (says) that misfortune and want forced her, for her nourishment, to live at the house of the said Marie Glace and to work for her during five months, in which lapse of time she underwent the most cruel treatment and was several times lashed with a cowhide, to which treatment she was subjected when she was not able to perform the task of work allotted to her by the



said Marie Glace, and the same may be said of a little mulatto, born free, residing at home of Mr Alexandre, a planter of our district. The said Widow Pierre Dumont declares that it was impossible for her to leave or to escape the conditions to which she was exposed, no occasion presenting itself and there being no neighbors in that place. When boats stopped there, the said Marie took the precaution to keep her at work far from the house. She said that after a time she escaped on a favorable night, sleeping in the woods and that she at last recovered her liberty after having served as a slave during five months.

Moreover, Madam Widow Puerre Dumont brought forward as a witness one Charlo Glauze; who appeared before us to declare what he knew, who says and declares that one day that he had stopped at Marie Glace's he witnessed several blows which the said mulatress gave the Widow Dumont, from which he tried to protect her and shield the said Widow from Marie Glace, who flew into a temper insulted him atrociously and repulsed and pushed him out of the said house and threatened to shoot him. The said Charlo Clauze declares that he could do nothing else but retire, seeing that the said Marie Glace was capable of any crime.

The said Widow Pierre Dumont as proof of the truth of her statement showed us the marks she still carries, one on the right arm being quite visible and moreover that she struck her on the breast which she almost lost from the pain which she kept a very long time.

Wherefore we asked the said Widow Pierre Dumont and he who is named Charlo Clauze if they had nothing else to declare against the woman named Marie Glase, they answered that they had not. We asked if their declarations were true and sincere and we read to them their testimony in the presence of two witnesses, Srs Maraville and Allevarge, both of my garrison, whom we summoned as witnesses. The said appearers declared that it was the truth and that they have nothing to change nor to withdraw and signed. Not knowing how to write they made their usual cross on this day and year.

Fort Baton Rouge; February 26, 1780.

"usual mark  
+  
of he who is named  
Carlo Clauze"

"Mark of Widow  
+  
Pierre Dumont."

"Witness Fernando Alvarez"

"Witness Marville. Canoniec."

We, Captain Commandant at said fort do certify that faith may be had in the above signatures. Passed before us, this same day and year.

Signed: "Pedro Jose de favrot."

*Endorsed:*

"Complaint against Marie Glase."

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IX.

*Examination of the accused upon the testimony of Mrs. Dumont and Charlo Glause.*

(French text.)

On this twenty-sixth day of February, one thousand seven hundred and eighty, following the declaration made before us by Widow Pierre Dumont and one Charlo Clause, who complains of the infamous and cruel treatment she was subjected to by Marie Glase, mulatress, imprisoned in the prisons of this fort, firstly, on charge of Sr. Baronniere; the said Dumont carrying the marks made on her by the woman named Glase, we summoned her before us for a second interrogation and asked her if she knew the Widow Dumont. She answered that she knew her for having rescued her from want, that the Widow Dumont lived in her house during five months.

We asked the accused if she knew Widow Pierre Dumont as a good woman. She answered that widow P. Dumont was fond of men and was lazy. We asked her if it was for these defects that she assumed the responsibility of correcting and ill treating her, to the point of marking her for life, one of which is a scar on said widow Dumont's right arm. She answered that she struck her once because she slept with a man and that she was at great pains to restrain her, being exceedingly passionate for everything that was a man.

We asked why she had held this young Dumont woman against her will, and also a young griff, born free, presented to us by Mr Alexandre, who has the father of the said griff, that this young child shown us by Mr Alexandre is scarred from head to foot, front and back, like an Ecce Homo, bearing nine scars on his head and having had his arm broken. She answered that the

child had the defect of lying and was greedy to the extreme and that she did not break his arm.

We asked if it was this grievance that caused her to stab him with a knife in the stomach, to inflict nine scars in the centre of his head and to have pulled out all his hair.

The accused answered that she had never subjected him to so cruel a treatment.

We proved this accusation by exhibiting the naked child to her.

She answered: "Is it not so, my child, that I corrected you only when you deserved it?"

The child, all in a tremble, answered: "Yes, Mistress" Thus does she have herself named.

We asked the accused if she knew one Charlo Clause, She answered "Yes."

We asked her if she knew him to be a good man. She answered: "No," that she knew him as a libertine, who had insulted her in her house.

We asked her why she had one day threatened to shoot the said Charlo Clause. She answered that it had never been so, that one day that the said Chalo had tried to make himself master in her house, that she had put him out, that he came to court the Widow Dumont.

We asked Marie Glase if she had anything else to declare, to withdraw or to add to what she had testified, that she was to be tried by the Council, and such penalty as she deserved would be inflicted on her. She answered that she had nothing to reproach herself with, etc.

We summoned as witnesses Srs Vallaire and Alvareje, who signed this present, having heard the interrogation and the confrontation of the accused.

Fort Baton Rouge, February twenty-six, 1780.

"Witness Fernando Alvarez,"

"Witness Pierre Valer."

I certify and attest that faith may be had in the said interrogation made before the witnesses who signed this day and year.

Fort Baton Rouge, February 26, 1780.

Signed: "Pedro Jose de favrot."



X.

*Examination of negro witnesses, reporting statements made in jail by Marie Glass.*

(French text.)

Mr Alexandre having informed me that on the day that Marie Glase, a mulatress held in a cell for several crimes, was imprisoned, his mulatress Nancy and his negro named Afique went to the prison door to see Marie Glass, the latter desiring to get news of his child, named Thomas George, who is the one lived at the house of Marie Glase. It was reported to him by the said Nancy and Afique that after giving news of the child, Marie Glase said: "Yes, I am in prison; if Jean Glase had listened to me we would not be here; we would have left and I assure you that if the Guard who arrested me by order of the Commandant had arrived a little later, their doom was sealed, for I had twelve savages at my orders"— but, that she was surprised in bed at four o'clock in the morning.

Consequently, we summoned before us the said mulatress named Nancy and the negro Afique and read to them the above mentioned remarks and both swore in God's name that it was the truth.

Moreover, they declared that the man named Jean Glase, pretended husband of the mulatress, had told her to be silent and not to talk in that way, that she always had a bad tongue.

A young quadroon named Samuel, aged twenty-two years, born free, an overseer, residing at Mr Alexandre's, confirms this testimony and asserts that he was present at the prison when the said Marie Glase spoke thus and that he likewise heard Jean Glase restrain the said remark by his reprimand.

The three witnesses swear that this is the truth. We asked if they had heard anything else; they answered that they had not. We read to them their testimony and asked if recalled anything else. Another forgotten remark which the said witness reports is that Jean Glase had taken the said Marie, mulatress to task for her tongue which with her love for liquor would cause her ruin. The said Marie Glase answered: "I don't care for anything; I shall talk, I shall drink as much as I choose, it is indifferent to me to be hung, I shall always satisfy myself as much as I can before I die."

Such is written, word for word, all that the said Marie Glase spoke. We summoned as witnesses to this declaration Srs Alvarez and Valaire, who signed this present, after it had been read to the said appearers who answered that they had nothing more to add to, nor anything to withdraw from. Passed this day, March fourth, 1780.

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Mark of the named  
azique /

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Mark of the  
mulatress Nancy. /

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"Ajmul. Signature of he named Samuel."

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"Witness Pierre Valer." "Witness Fernando Alvarez."

I do declare and certify that the above declaration made before witnesses was made before us, Captain Commandt, that credence may be had in it before the law, this day and year, March 4, 1780.

Signed: "Pedro Jose de favrot."

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# XI.

*Testimony of Madam Francois Glause against the accused.*

(French text.)

On this day, March seventh, one thousand seven hundred and eighty, at three o'clock in the evening, came before us, Captain, Civil and Military Commandant at Fort Baton Rouge: Madam Francois Clause, whom we summoned before us, to declare under oath all that she might know of one Marie, surnamed Glase, held in the prisons of this Fort, on several crimes and accusations.

Madam Francois Clause, declared that she had heard from three boys, only two of whom are known to her by name, one named Colville and the other Cride, both brothers, that they had seen at Marie Glase's house, a white girl named Emilia, who was tied up and cruelly whipped, that the woman called Marie Glase, mulatress, was moreover barbarous enough to heat a fork in the fire to put into Emilia's mouth and pierce her tongue with it, which was done. That they saw this girl Emilia so badly mutilated that she could not express herself and they saw Marie Glase tie her under the arm pits to smoke her.

Mrs Francois Clause said she had this report from the said Coville and Cride. Madam Francois Clause declares that once when she was passing Marie Glase's house, she saw the girl Emelia with an eye almost out of her head, bruised and bloody and her face so black that it was frightful; that she found it impossible to talk to the said Emelia, Marie Glase catching up with her so that she could ask no questions.

Madam Francois Clause says that curiosity having prompted her to ask the said Marie Glase and Jean Glase, her pretended husband, an English soldier, a deserter from the 34th Regiment of H. B. M., what was the matter with this young girl Emelia, that both answered that a cow had given her this blow; that the aforesaid accused lived at False River. Madam Francois Clause moreover declared that having one day passed again before Marie Glase's house with the intention of complaining that she had her cattle killed, when they escaped and came over to her land, that if it happened again, she would carry her complaints to the Commandant, on which Marie Glase made numberless threats and insulted her, telling her that she cared not for the Commandant more than for her, that when she killed a Frenchman or a woman that she had the other bank of the river free for her escape. Madam Francois Clause swore on her God that all that she had declared to us was certain and but too true.

We asked her if she had anything else to declare; she answered that she had not, that I should summon those whose remarks she had heard.

Following the declaration of the said Dame Francois Clause we summoned as witnesses Siers Alvarez and Mareville, and after the above had been read the said Dame Francois Clause said that it was the truth that there was nothing to change nor to withdraw and that it may be believed. The said Dame Francois Clause declared that she did not know how to sign and made her ordinary cross.

This day, Fort Baton Rouge, March seventh, 1780.

"Witness Marville."

"Witness Fernando Alvarez."

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Mark and signature  
of Dame  
Francois Clause. =

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I certify and attest that the above signatures were done before us, that faith may be had in them wherever need may be. Fort Baton Rouge, March seventh, 1780.

Signed: "Pedro Jose de favrot."



## XII.

*Testimony of Sarah West and others before William Dunbar, Esq., Justice of the Peace.*

(English text.)

The Depositions  
of Sarah West,  
Equille West and  
Cride West.

By Order of Don Pedro De Favrot Com-  
mander of the Fort at Baton Rouge 8th March  
1780.

Appeared before me William Dunbar Esquire Justice of the Peace for the District of Baton Rouge Sarah West, who being duly sworn upon the Holy Evangelists of Almighty God, maketh oath and declareth

That about the time of Mr. Willings descent upon the River Mississippi she came from the English side, and took refuge upon the false River and dwelt a considerable time at a distance of about half a mile from the House of a certain free Mulato woman named Marie Glass and that having occasion frequently to be at the House of the said Marie Glass she was a witness of various acts of cruelty and Barbarity exercised upon a certain white girl named Emelia who had formerly lived with and was an Indented servant to William Walker Esq. that particularly one Evening she abused and beat Her accross the neck and Head with a stick larger than an ordinary Cane, to such a degree that the Deponent believed Her unable to speak; after a little time Marie Glass ordered Emelia to get up and carried Her trembling and Bruised all over the Body to an out Cabin where she stripped Her naked and tied her upon tiptoe by the Hands to a Post and called Her Husband John Glass to View her; this Deponent being much affected, at what she had seen remonstrated with the said Marie Glass and pleaded for the deliverance of the said Emelia, upon which she at that time desisted, after abusing Her with ill language, Curses and threatenings of Vengeance, tho this Deponent knows not any crime she had Committed. This Deponent further declareth she hath upon sundry occasions heard Molly Glass say that she would destroy the said Emelia and throw Her into the River; and that she would Conquer or kill Her and such like expressions.

This Deponent declareth further that after the overflowing of the River the said Molly Glass went to live upon the English side at Browns Cliffs but left the said Emelia in charge of Her House at the false River, where she had in keeping a few Fowls

and some Corn and other Bagatelles; that one night a runaway Negro of Doctor Farrar's passing by the place stole some Fowls with a Pot and a little Corn which He stoped to Cook at a small distance and that next morning Emelia missing Her Fowls and etc., went in search of them and found Her Pot with a Basket and a little Corn; that soon after Doctor Farrars overseer and some negroes coming in search of the runaways stoped at the House of this Deponent, who walked over with Him as far as Molly's Glass's at which time Molly Glass having come from the other side and finding Her Fowls gone immediately laid hold of Emelia and having tied up Her Rags about Her Girdle, fixed Her upon tiptoe by the Hands to a Post. That Mr. Sterling Doctor Farrars overseer, observing the situation of the Girl, turned His Head aside, judging it improper for a man to behold so indecent a spectacle; the said Mr. Sterling and this Deponet continued to walk to the River side, and heard distinctly the lamentable cries of the Poor Emelia under the lash of the inhuman Molly Glass for a full quarter of an Hour or more to the best of the Deponents recollection; that upon the return of this Deponent Emelia was untied and Her Petty Coat (unfitt for a negroe slave) being in its natural situation hindered the lower parts of Her Body from being seen, but Her back was considerably bruised and Her face wounded in several parts so that it was bloody and further that the weals were larger than Her finger the Deponent askt Emelia if she had been flogged on account of the runaway Negroes she answered in the affirmative and at same time most solemnly protested Her own innocence. That during the great rise of the River when this Deponent lived upon the high lands at Browns Cliffs within a few yards of Molly Glass's House, tho she cannot condescend upon Months or Days she was witness to a variety of ill treatment given by the said Mary Glass to the said Emelia that particulary on a certain Day she beat and abused Her exceedingly with a whip armed with a Leather thong and that thinking this discipline not sufficiently severe, she turned the handle or Butt end of the whip which was a stick larger than a mans thumb and with a violent blow on the right side of the Head laid it open to the length of two joints of the Deponents fore finger, that afterwards the said Mary Glass did curse and much abuse the said Emelia ordering Her to begone and never see Her more; the poor wretch answered yes Mamie (as she was wont to call Her) and walked off towards the River side but in a short time

after this Deponent Heard the cries of poor Emelia returning up the Hill from the River side Mary Glass following close at her heels armd with Her whip and before her return had received a second Gash or wound on the left side of the Head the full length of the forefinger of this Deponent both wounds being actually measured soon after in the absence of Molly Glass by the Deponent, This Deponent to the best of Her recollection says that the cause of this barbarous usage proceeded from a Pig having taken a Joney Cake from the Fireside out o'Doors which Emelia had been ordered to prepare; that soon after this Deponent observed the eyes of Emelia to be much swelled and inflamed and feeling Her Pulse and judging from the appearance and great heat of Her Body conceived Her to be in a high fever, one Eye was become inservicable and very imperfectly she saw out of the other; all which she the Deponent does solemnly believe proceeded from the barbarous and inhuman usage of Marie Glass, that on a certain Day when Mary Glass was absent at the false River, finding Emelia in this miserable state she advised Her to go to Bed, which she consented to do tho she endeavoured to make Bread and expressed Her apprehension of Molly Glass, upon Molly Glass' return from the false River this Deponent observed to Her that Emelia was very sick and much wounded; to which Mary Glass answered she Emelia fetching a pail of water had fallen down and wounded Her Head upon a stump; notwithstanding this Deponent was an Eye witness to the manner in which she had received Her wounds or bruises from the hand of the said Molly Glass. That once on the Dead of night heard a noise in the House of Molly Glass this Deponent got up and went to the Cabin and looking thro' a crack in the wall she saw Molly Glass with a fork heated in the fire apply the same to the Tongue of Emelia, with which she scared or burnt it that this Deponent has been Eye witness to numberless lesser instances of ill usage and cruel treatment which it would be impossible for Her to enumerate.

This Deponent further Declareth that she left the neighborhood of Molly Glass about the 20th of June last year and returned to Her old house at the false River after which she heard nothing of the said Emelia untill on a saturday about a fortnight before Christmass last when the said Marie Glass stoped at the house of this Deponent and took an opportunity to mention that she had lately got clear of the white girl Emelia and added she was glad of it, she further informed this Deponent (after some in-



terrogation upon the part of the Deponent) that on the monday before she had been at the House of a Mr. or Mrs, Ross and on Her return Home, missing Emelia, she went in search of Her and by the assistance of Her Dog found Her lying under a Log that she had been at a Camp of Indians, who after using and abusing of Her, had burned Her in a terrible manner: this relation surprising the Deponent, she asked several more questions and was further told that one Arm of Her Capot was burned off Her fingers so burned that they were all in one gore and the Handkerchief consumed upon Her Head; further that on the wednesday before Mr. Alexander's Nancy had stopped on Her way to point Coupee that then amelia had got somewhat better and was able to walk a little but had lain down on the appearance of Mr. Alexander's People not wishing to see them. This Deponent question'd Her further and learnd with great surprise that the very following Day Thursday Emelia had sett out on a voyage to Pensacola being taken on board a Boat in wh. were two men (according to Her account) one named Webb and the other Larkins with a woman and child, which People had come past the Natchez and intended to pass the Port of Baton rouge in the night without calling for a passport, that they were bound for Pensacola and by that rout to get to their own Country in Carolina. The Deponent regarding this as an Extraordinary story, could not help at same time observing that Marie Glass in relating it seemed to be much troubled and embarassed and spoke as if she had a Load or oppression upon Her Heart and spirit and further this Deponent says that Molly Glass told her she was very apprehensive of danger from the Indians and that she knew not what had come over her lately for that she could not eat Her victuals nor could not sleep and found Herself inwardly troubled and that Her intention was to sell of Her goods and retire with all expedition to Her own Country. That John Glass Her Husband was also present during this relation; but never opened his Lips upon the subject of Emelia on the contrary He hung down His Head with His Gun between His legs, sitting on a chair and seemed more than ordinary pensive and thoughtful.

The Deponent hath further to add that once being informed by her Son Cride West that Emelia had been severely flogged by Molly Glass; she was desirous of seeing the state in which she was and happening soon to be at Mary Glass'; She asked Emilia what ailed her, she seemed affraid to declare the true cause, but

upon the assurance of the Deponent that she wou'd not acquaint her Mamie (Molly Glass) she lifted up her shift (being unable to bear a petty Coat) and the Deponent saw in her hind parts a wound of about an Inch and a half square and a quarter of an Inch in depth, stuffed full of something which Emilia said was Gum leaves and cream, and that from the small of the back downwards to the hams was in a manner all over gashes or cuts, the Largest of which was filled like the former with leaves and cream; and further that her sores smelt like those of Cattle in which maggots were breeding. The Deponent also declareth that of all peoples, Negroes or others, she hath never seen a poor wretch so miserably hacked and cut as this poor white girl was. And further the Deponent sayeth not.

Witness my hand and Seal the date above written.

William Dunbar J. P.

(Seal)

Personally appeared before me William Dunbar Esquire Justice of the Peace for the District of Baton Rouge, Cride West a young Man aged 14 years, apparently of good understanding for his age; Who being duely sworn upon the holy Evangelists of Almighty God, maketh oath and declareth

That he was present when Moly Glass, tied up and flogged with great severity the above mentioned Emilia, resting and whipping her three several times, and at each time rubbing her with Soot, salt, pepper, and gunpowder and moreover made a great smoke, the Exhalation of which, in its assent, went all around her, pretending that Emilia had given away the milk to some of Mr. La Blanc's Negroes, tho' the poor girl persisted in declaring her innocence untill her punishment was ended. That after this Correction She remained two weeks hardly able to walk and unable to stand upright but went half bent. And further the Deponent sayeth not.

WILLIAM DUNBAR J. P.

(Seal)

Personally appeared before me William Dunbar Esquire, Justice of the peace for the District of Baton Rouge, Equille West aged 23 years Who being duely sworn upon the holy Evangelists of Almighty God, maketh oath and Deposeth.

That in the month of October last, he was present at the house of Moly Glass, when she knocked down the above mentioned Emilia with a hachet; he believes the reason might be because

she did not provide an oar quick enough for the sd. Molly Glass, when she was about to embark on board her Canoe. And further the Deponent sayeth not. Witness my hand and Seal the 8th. Day of March 1780.

William Dunbar J. P.

(Seal)

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XIII.

*Deposition of free negroes before Justice Harry Alexander.*

(English text.)

Molly Glass a free Molattress and an Inhabitant of English Point Coupé being charged with a violent suspicion of having Cruelly Ill treated and Murdered one white Girl named Emilia Davis an apprentice and servant to William Walker, late of said Pointe Coupé but at present of the Island of St. Vincent which said charge and violent suspicion is suported by the following testimonies Viz.

Imprimis—SAMUEL a freeman Deposith and saith that some time about the middle of November last going with several others to point Coupé to purchase corn for Mr. Alexander they stopt at one Molly Glass's House at the Cliffs of English Point Coupé and walking in the yard near the Kitchen they heard a Person groaning and on listening they found the voice came from the Kitchen; the Door of which was shut, but on looking through a Crevice this Deponent knew the groaning Person to be the above named Emilia lying on a couple of boards on the ground; this Deponent accordingly called to Her and askt what was the matter, but received no answer, though she continued to groan heavily as a person in great pain; and this Deponent further saith that on Molly Glass's seeing Him and others that were with Him near the Kitchen she came out from the Dwelling House and walked about in the yard as seemingly Displeased with their going near Her on which He this Deponent moved off.

Baton Rouge. Sworn before me the 9th Day of March 1780.

Harry Alexander.

NANCY a free Molatress a very sensible intelligent woman Deposeth and saith that some time about the middle of November last she was sent up to pt. Coupé by Her Master Mr. Alexander with the direction of two Boats to buy Corn; that in Her way up she called at the house of the above named Molly Glass where she enquired for Emelia the white girl that formerly lived with Mr.



Walker at Point Coupé on which Molly Glass answered Emelia was a very bad girl that she had been at the Beach or River side with some Indians who had had to do with Her and had put Her in a condition not fit to be seen and that she Emelia had been brought home to Her Molly Glass by two white men but did not mention their names. This Deponent hearing some person groaning very heavily askt who it was she was answered by Molly Glass that it was Emelia this Deponent repeatedly beg'd to have leave to see her but was by the said Molly Glass as often refused, still saying she was not fit to be seen; this Deponent still urged to see the girl and that no Circumstance could make her unfit to be seen by Her, but she was still denyed and put off tho she heard Her continue to groan most piteously all the time she staid. On this Deponents return from Pointe Coupé about six Days there after she called again at Point Coupé to see Molly Glass and on enquiring for Emelia she was answered by Molly Glass that she had got rid of Her, for a boat calling at the landing that came from the force (False?) River in which there was a woman and a young Child; the mother of which she said knew Emelias Family and had taken Her with Her to take care of Her child as they were to go la Linsaco to get back to their own Country and she Molly Glass was glad she had got ride of Emelia for she was a very bad girl; on which John Glass added He was glad she was gone for He never liked Her and if she Molly Glass had taken his advice she would have sent Her to the Devil long ago.

Baton Rouge. Sworn before me the 9th. Day of March 1780.

Harry Alexander.

THOMAS GEORGE a free molatto Boy about Eleven or twelve years of age of a very sensible solid understanding for one of his years Deponeth and saith that he lived with one Molly Glass about two years and a half that he well knew one Emilia a white girl who formerly lived with Mr. William Walker at English Point Coupé, but since the time that Mr. Willing came down with a party of Americans the said Emilia constantly lived with the said Molly Glass till some time before last Christmas; that Molly Glass for a few Days behaved well enough to Emilia, but after that Molly Glass continued to treat her ill and frequently whipt her tyed to a post with her hands and feet bound, that some time near the latter End of last summer this Deponent says that Molly Glass complained that the said Emilia had not washed the Family Clothes clean enough for which the said Molly took the said Emi-

lia and had Her streached out and tied hands and feet upon a Ladder and whipt Her very slowly till her Buttocks was as raw as a piece of Beef and all Bloody; then she stopt a little and washed Her with salt and water and these whipings and washings were repeated three different times continuing her still on the Ladder from noon till night soon after this Emilia became full of sores and stunk violently on which this deponent observed to Her that He feared the magates were getting into her sores and on assisting Her to examine He found it was so; they as the weather was hot increased fast, and grew very large and the smell of the sores grew very offensive, yet notwithstanding this, Deponent never seed Molly Glass ever wash or Dress the sores but He himself assisted Emilia to wash and Dress the sores and pick out the magates, at last she grew worse and worse when this Deponent was sent by Molly Glass over to the other side of the River; when He was going away Emilia told this Deponent good by, or farewell, for she said she believed she could not live and should not see him again; this Deponent accordingly went over to the other side of the River and in about four or five Days Molly Glass sent for this Deponent with a message that Emilia was gone away and that He must come over; when this Deponent came over He askt the said Molly Glass where Emilia was gone? she cursed Him and asked Him what Business he had to know where every body was gone, but added she was gone down the River with some of Her Country folks, but did not say to what place she was gone. On this Deponent being askt what he thought of Emilia's being gone so soon after He left her so bad? he answered he did not believe it, because she was not able to walk and He was sure no body would carry Her for she stunk worse than a Carcase dead for two or three Days; He this Deponent further says that if His own flesh had not been of a better condition and more easy to heal than the said Emilias He Himself must have been in the same distress and for the truth of this allegation he appeals to the scars which he carries all over His body which will shew the Inhuman treatment that He received from the said Molly Glass

Baton Rouge. Sworn before me the 9th Day of March 1780.

Harry Alexander.

GEORGE a mulatto man Deponeth and saith that some time about the middle of November last He with some others were at the House of the above named Molly Glass and walking in the yard near the Kitchen they heard a person groaning very heavily

which induced this Deponent and others that were with Him to endeavor to get into the Kitchen to see who it was but found the Door shut, but perceiving a hole or crevice in the wall they lookt through and found the groaning person to be Emilia who formerly lived with William Walker Esqr. at Point Coupé on which He and the others frequently called to Her and askt Her what was the matter with her? but received no answer tho she continued groaning as a person in great distress.

Baton Rouge. Sworn before me the 9th Day of March 1780.

Harry Alexander.

THOMAS DUN a very sensible intelligent Negroe Deponeth and saith that some time about the middle of November He was sent up to Point Coupé with the foregoing respective Deponents and others to buy corn for Mr. Alexander that in their way up they called at the House of the above named Molly Glass, that He this Deponent askt Molly Glass for the free Boy named Thomas George and Emilia the white girl who formerly lived with William Walker Esqr. His Master at point Coupé and was answered by Molly Glass that the free Boy was on the other side the River and as to Emilia she had gone out in the Bushes with some Indians where she had heard a noise and had therefore set Her Dogs at the Indians and they had torn Emilia all to pieces so that she was not fitt to be seen. However this Deponent hearing verry heavy mournful groanings followed the voice to the Kitchen but found the Door lockt or fastened, but on looking round seed a Crack or Crevice in the wall through which he could perceive the groaning Person was the said Emilia, to whom He this Deponent several times called and askt Her what was the matter with Her, but received no answer only she continued groaning as a Person in very great Distress and smelt very offensive.

Baton Rouge. Sworn before me the 9th Day of March 1780.

Harry Alexander.

THOMAS RUSSELL a sensible negroe man exactly corroborates the Testimony of the two foregoing Evidences in every Point.

Baton Rouge. Sworn before me the 9th. Day of March 1780.

Harry Alexander.

(Endorsed across the back of the foregoing depositions.)

Six Depositions of Mr. Alexander's people taken in the Cause of Molly Glass a free Molatress before the said Harry Alexander 9th, March 1780.



XIV.

*Testimony of Miss Catherine Weste and others taken before  
Captain Favrot.*

(French text.)

On information given us that true testimony could be furnished against one Marie Glase, English mulatress, held in the prisons of this fort of Baton Rouge:

We, Captain, Commandant have summoned before us Madam Winifred Russe with Miss Catherine Weste, both residing at Pointe Coupee, both of whom this day appeared before us on this March tenth, one thousand seven hundred and eighty,

And having been sworn to speak the truth on what they might know against the said Marie Glase, mulatress accused of having caused the death, by cruelties, of a young English girl, named Emilia, formerly a servant of Mr. Walker.

Madam Winifred Russ declares having seen the young girl sick and with a bruised eye and told us that she had often heard that this young girl was often maltreated by the woman named Marie Glase.

That she was not an eye witness of this girl having been beaten, but, that her sister, Catherine West, had told her that Marie Glase subjected Emilia to much cruelty. That her sister had seen the young girl beaten, whipped and tied, even to putting in her mouth a red hot fork from the fire, to pierce her tongue. Madam Winifred Russ declares that she holds this report from her, sister Catherine West.

We asked Madam Winifred Russ what else she had to declare; she answered that she had nothing else to add nor to withdraw and that what she declared was sincere and true.

We asked Miss Catherine Weste to declare under oath what she might know against one Marie Glase, a mulatress.

Miss Catherine Weste swears that she saw Marie Glase tie up by her hands, to a post, the young girl Emilia, and that she was afterwards whipped with a cowhide and that she saw her flogged three or four times on different occasions when she stopped at the house of Marie Glase, and Miss Catherine West declares moreover that she saw Marie Glase tie and suspend Emilia and light a fire near her, not to burn her but to smoke her and smother her by a thick smoke, and that once she saw Emilia in this suffering. Emilia had nothing on but her chemise and was suspended in the air by her armes and that her feet did not reach the ground.

We asked Miss Catherine Weste, why Marie Glase made young Emelia suffer thus, if she had asked the reason.

The appearer answered that Marie Glase answered that having absented herself, the young girl Emelia had eaten melons from her garden.

We asked Miss Catherine Weste if she had anything else to declare against the said Marie Glase.

She answered that moreover she had once seen Marie Glase heat a fork red hot in the fire, and making the young girl Emelia kneel before her, draw out her tongue and pierced it with the said fork coming from the fire, and that the cause of this cruelty done by Marie Glase was because the girl Emelia had killed one of her chickens and that its liver was missing, that Marie Glase went into a frightful passion and said that Emelia had eaten the liver, and that she was an outrageous liar.

The said Miss Catherine Weste said that she beseeched Marie Glase to act with more mildness, that Marie Glase answered that she would not forgive her father, nor her mother and that the girl Emelia was a scapegrace.

We asked Miss Catherine Weste, what she thought might have become of the girl Emelia.

She answered that she had seen her too badly treated, that poor Emelia could hardly walk, that she could not be certain that she was dead, but that she was inclined to believe that she no longer exists, having had no news of her and not knowing what had become of her since she had not seen her since she stopped there and saw to what state she was reduced.

We asked the appearers if they had aught else to declare for or against the woman named Marie Glase. They answered that they had not. We asked if their declarations were true and sincere. They answered and swore on the Bible that they were sincere and that they had nothing else to declare.

We read their testimony to them in the presence of Mr. Turquand who very kindly served as interpreter and we called in as another witness Sr Valaire. Mrs Winifred Russ and Miss Catherine Weste declaring that they did not know how to sign made

their ordinary cross as a signature. This day and year, March tenth, one thousand seven hundred and eigthy. Fort of Baton

"Mark + of  
Madam Winifred Russ."

Mark of Madam

+

Catherine Weste.

"Witness: Paul Turquand." "Witness: Pierre Valere."

I certify that this declaration was made by Madam Venifred Russe and Miss Catherine Weste who signed this present, that credence may be put in it before Justice, and etc. Fort Baton Rouge, March 10, 1780.

Signed: "Pedro jose de favrot,  
Captain Commandant of the said fort."

The same depositions in English.

Personally appeared before Mr. Favrot Comm. of the Fort of Baton Rouge this 10th March 1780. Winifred Russ and Katherine West who being charged to speak the truth in giving their evidence against Molly Glass a mulatto woman now in confinement in this Fort, declare Viz. Winifred Russ declares that being at the house of the said Glass she saw a white girl Amelia that the Girl complained much, and had a black eye, that she had heard the girl was very ill used by the sd. Glass; That she never saw the girl beaten, but that her sister Katherine West told her that Mary Glass used the girl Amelia very cruelly; that she Katherine West had seen her beaten, whipped and tied up: that she had even seen Molly Glass heat a Fork in the fire and put in into her mouth, and run it thró her Tongue. Winifred Russ declares that her sister Katherine West told her as above.

Being asked if she had any thing further to say, she says she has nothing, more to add, or to retract, and that her declaration is really true.

The Mark + of Winifred Russ.

Witness Paul Turquand.—Katherine West declares that she saw Mary Glass tie the girl Amelia by the Hands to a Post, and whip her with a whip made of cowhide, that she has seen her thus beaten three or four different times when she has been at the House of Mary Glass.

she further declares that she saw Mary Glass tie, and hang up by the hands the said Girl Amelia and make a fire under her, not to





burn her, but to make a smoak, that she was strangled with the smoak the sd. Glass made, and that while the Girl Amelia underwent this cruelty she was stripped to her shift, that she was quite suspended and her feet did not touch the ground.

Being asked if she knew the reason of this cruel treatment of the girl she says that Mary Glass said that while she Glass was absent the girl had eaten her water melons from her garden.

Being asked if she knew that the girl Amelia was ill inclined, she says that she knew no ill of her except her miserable situation Katherine West further saith, that one day being at said Glass's she saw the sd. Glass heat a fork in the fire, made the girl Amelia kneel down to a Morter, draw out her tongue and run the fork through it hot as it came from the fire. The reason Glass assigned for this treatment was that Amelia had eaten the liver of a fowl that was dressing; the liver was missing, and she was sure Amelia had eaten it, that Amelia was a notorious liar.

she further declares that she begged for the girl Amelia that Glass said that she was such a vile girl that if her own Father or Mother were to beg for her she would not forgive her. Being asked what she thought was become of the girl Amelia, she says that she had seen her ill used that she could scarcely walk; that she could not say that she was dead, but that she inclined to think think she was, as she was not to be found, and no account could be given what was become of her since she had seen her in the reduced state above said. Being asked if she had anything further to say, she says she has nothing more to add, and that the above declaration is really true.

The Mark + of Katherine West.

Witness Paul Turquand.

Witness Pierre Baler.

I certify that the declaration made by Madame Vinifred Russe; and by Madlle Catherine Weste the present which they have signed to-day translated into English executed before Mr. Paul Turquand; and which he signed as witness that faith must be given it in justice and etc. Fort of Baton Rouge 10th of March 1780.

Pedro Jose de Favrot.

Captain Commander of the said Fort.

(Endorsed on the back of the foregoing depositions). Declarations in the English Language against Marie Glass.

XV.

*Further interrogation of Marie Glass upon the testimony of Miss Weste and others before Captain Favrot.*

Translation of document marked P. 21 (6) in original MS.

On this eleventh day of March, one thousand seven hundred and eighty, we proceeded to interrogation of the woman named Marie Glase, accused of cruelty against one Emelia, by several testimonies heard by us, in which are included those of Madam Winifred Russ and of Miss Catherine Weste. We summoned the woman named Marie Glase and put her under oath to speak the truth.

We asked the woman named Marie Glase if she knew of Mrs Winifred Russ as a good woman. She answered: "Yes," that she had nothing to say against her.

We asked her if she also knew Miss Catherine Weste. She answered: "Yes."

We asked if she knew of her as a good girl, she answered yes, that she was a good girl, that she had nothing to say against her conduct, that she did not believe that one nor the other were capable of saying anything against her. We asked her if she had ever had a quarrel. She answered that she had never had the least words nor difficulty.

We asked Marie Glase to tell us what had become of Emelia, a white girl, follower and servant of Sr William Walker. She answered that she knew her, that Emelia had lived with her during two years and that towards last Christmas, the year 1779, that this young girl Emelia left her house to embark with Americans who were to pass before the city, without passports, and who in their pirogues wished to go to Pensacola.

I here note that Marie Glase in first instance told me that this young girl had gone off by land with folks who had come down from Natchez with Indians. This answer does not agree with the other.

2<sup>o</sup> . . . Englishmen would not come to the bayou of the Cliff to take the route to Pensacola.

Nota: The said Marie Glase interrogated before Sr Alexandre and Mr Donbar, said: "If you believe that I killed Emelia, have researches made on my plantation. They will not find her buried. This remark increased our suspicions and leads us to believe that she has then thrown her in the river.

We asked Marie Glase why she has so often maltreated Emelia, with so much cruelty, tying her to a post and whipping her until the blood came, and to have moreover stretched her on a ladder.

The accused protests by the most solemn oaths that it is not so, that I have been imposed on and repeats in God's name that it is not so.

The accused acknowledges having corrected her once with a switch because Emelia had eaten some of her chickens in concert with a runaway negro; that the girl Emelia, aged about fifteen years, was fond of men.

We asked the accused what authority she had taken to correct a white girl whom she kept as a servant and her slave; that it was proven that this young girl was hidden from the sight of all who could have released her from the conditions in which she was held. The accused answered that she had whipped her but once for her good; that Emelia had a thousand faults, especially that of lying and being greedy.

We told the accused that witnesses could be cited who had seen her tie Emelia, her hands bound, suspended in the air, to a post, and there smoke her to the point of choking her, and afterwards to have pierced her tongue with a fork reddened in the fire.

The accused Marie Glase again swears before God that it is not so.

We read to the accused the declaration of Mrs. Winifred Russ and that of Miss Catherine Weste.

The witnesses, like ourselves, see Marie Glase confounded, cursing and damning her accusers, saying that Miss Catherine Weste tried to excite her to pierce the girl Emelia's tongue, but protests that she did not do so; that, to frighten Emelia, she threatened her with the fork.

The accused acknowledges before witnesses that she tied Emelia and smoked her, that Emelia did not remain a quarter of an hour; that the girl Emelia had eaten melons from her garden, had killed some of her chickens, that this young girl was greedy and a scapegrace.

The accused throws herself on her knees swearing and protesting in the name of God that if Emelia is dead, it did not happen at her house, that Emelia had left in a pirogue which came from False river, in which there were Englishmen and a



woman and her child. That the woman took Emelia to mind the child; that the same woman said that she knew Emelia's mother who was in America.

Here is, word for word, Marie Glase's declaration, who swears and says: "As God is God I speak the truth."

We asked the accused why she had left a young girl go off with folks who were unknown to her. The accused answered that Emelia was such a bad subject that she was glad to be rid of her.

We asked the accused if she had some better reason to declare to justify herself. The accused answers that she has not, that all that she has assured me is the truth, that she has nothing else to add nor to withdraw.

We read to her her testimony and the accusation against her. She answered that she had nothing to answer, but, that she could see that everybody was against her. After which we ordered to be read to her the testimony of Madam Winifred Russ and of Miss Catherine Weste, written in English by Mr Paul Turquand, inhabitant of Pointe Coupee who happened to be present when the aforesaid ladies arrived, the said reading being made by Doctor Flavers who signed as witness to Marie Glase's protest, in the present act done this day, March eleventh 1780, Fort Baton Rouge; the following witnesses having signed:

"witness Fernando Alvarez."

"Witness Pierre Valer"

I certify that this is the declaration made before us and before the witnesses who signed above; that faith may be put in it in justice and wherever need may be.  
Fort Baton Rouge, March 11th, 1780.

Signed: "Pedro jose de favrot."

on reverse: "Declaration against Marie Glase and her answers."

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XVI.

*Further interrogations of John Glass upon the testimony of  
Miss Weste and others.*

(French text.)

On this day, March twelfth one thousand seven hundred and eighty, by virtue of the accusations made against Marie Glase, mulatress, informed by Madam Venefred and Miss Catherine Weste, we consequently proceeded to a second interrogation

against the man named Jean Glase, held in the prisons, separately from the said Marie Glase, detained in the cells, who seemed to be the wife of Jean Glase, whom we put under oath to declare the truth on the crimes committed by the said Marie Glase, English mulatress, which oath was protested by the appearer.

We asked him, who is named Jean Glase, if he had any reproaches to make against Madam Venefred and Miss Catherine West, formerly his neighbors at False River, Pointe Coupee.

He answered that he knew the said Dame and young lady to be good people and of good conduct and had never known anything that might lead him to make the slightest reproach.

Wherefore we asked the appearer to declare the cruelties exercised by Marie Glase on the girl Emelia, a white girl who was a servant at Mr William Walker's, and whose death Marie Glase was accused of having caused by repeated cruelties.

The appearer, Jean Glase, answers that he never saw Marie Glase do anything save to have corrected her once with a switch when she had eaten melons from her garden.

We protested against the accused that he was an impostor and that he became guilty and very criminal in hiding the cruelties exercised by the said mulatress and as testimony we read to the appearer, Jean Glase, Miss Weste's declaration.

The said Jean Glase acknowledges and declares that he knows that Marie Glase once tied and smoked poor Emilia, who had eaten some of her chickens, but that Emilia had so remained only a quarter of an hour.

We asked Jean Glase why he did not oppose such cruelties to a young girl of fifteen years, who could not have deserved to be punished in such manner.

The said Glase answers that he is not the master, that he proposed all he could to his wife and advised her several times to send her away rather than keep a bad subject.

But that Marie Glase answered that she was a child, that she corrected her for her good and that it was as a mother that she inflicted such corrections.

We asked the appearer, Jean Glase, that he must surely know if once Marie Glase had heated a fork red hot in the fire and had held it in Emilia's mouth and pierced her tongue.

The man named Jean Glase said that he well knew that Marie Glase had put a fork in the fire and put it in Emilia's

mouth but that he does not know if she had her tongue pierced, that he does not know why and is ignorant of what Emilia had done.

We asked the man named Jean Glase why he had not beaten his wife. He answered that he did not like quarrels and that he was not the master.

Q. We asked the said Jean Glase where he was when Marie Glase, his wife, had perpetrated this horror and this ignoble cruelty.

A. He answered that he was still lying in bed and that he had heard Emilia scream and cry out but that he did not know the cause, otherwise he would have prevented it.

We questioned him on Madam Clauze's declaration that she had one day seen Emilia with eyes starting from her head and her face black from blood and that this girl Emilia seemed to be very sick. The appearer, Jean Glase, said that he never saw Emilia with her face bruised nor eyes starting from her head and he protested that it is false.

I recalled the circumstance reported by Madam Clauze of what he who is named Jean Glase told her at the time, and the appearer acknowledges that Emilia whilst milking the cow had been gored. This is something contrary to the testimony which Jean Glase has now given.

We read the declaration of the mulatress Nancy, of one Afrique and of one Samuel, who heard the remarks made by Marie Glase in prison, as per declaration signed March 4th. The man named Jean Glase declares that it is not so, no more than the remark made to Madam Francois Clause, who declares that Marie Glase told her: "I care not if I kill a Frenchman or a white woman, I have the other bank free before me."

We asked the man named Jean Glase if he had no recollection of having seen Madam Widow Pierre Dumont, called "The Violet," whipped and ill treated. He answered that he knew her from having had her on charity during some months, but that he had never seen her maltreated by the mulatress Marie Glase and that he has no knowledge of the quarrel with one Charlo Clauze, as mentioned in the declaration made in the same act.

We read the declaration and answers of the man named Jean Glase, who answered that he had nothing else to declare, and nothing to withdraw, that his answers were true that he had nothing to change and not knowing how to sign, he made his



ordinary cross in the presence of the two witnesses mentioned: Srs Alvarez and Valere who signed with us.

"Witness Fernando Alvarez".  
"Witness Pierre Valer"

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Mark and signature + of  
the one named Jean Glase

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I certify that the said declaration to have been made before the witnesses who signed with us on this same day and year. Fort Baton Rouge, March 12. 1780.

Signed: "Pedro Jose de favrot,  
Captain, Commandant at said Fort."

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XVII.

*Confession of John Glass.*

(French text.)

We, Captain, Civil and Military Commandant of Fort Baton Rouge—On March thirteenth, one thousand seven hundred and eighty, at seven o'clock in the morning, the man named Jean Glase, held in the prisons of this Fort, requested to speak to us and appeared in the presence of the witnesses here present. Srs Alavreze and Valere.

Said Jean Glase says that he has come to declare the truth and that his conscience reproaches him for having persisted in maintaining that the poor girl Emilia had gone down the river in a pirogue: that it is not so, that he said so to shield his wife and in the fear of putting her in a bad affair.

Jean Glase swears that towards the middle of last December, on his return to his residence, at the cliff, after having brought me meat for my garrison, Marie Glase told him that Emilia was very ill, ready to die, and that on the same day of his return, he heard Emilia from the cabin where she was scream several times and exclaim to Marie Glase: "Ha Maman, Maman. they have burst my stomach, I am dying" with these last words, Marie Glase brought her into the house and she expired. The appearer declares that Marie Glase cried a great deal on that same day and that he himself fell into such imbecility that he was not able to bury Emilia, and that a runaway negro owned by Mr Porloe did so; he and Marie Glase burying her near the desert.

We asked the appearer why he had not notified the nearest authorities or some neighbor.

The appearer, Jean Glase, answered that the fear that he or his wife might be accused of killing poor Emilia had induced him to believe that it was better not to say anything about the death of poor Emilia.

That it was certainly his fault and through weakness, that he was in trouble, and that when he proposed to Marie Glase to send this young girl away, she insulted him, and that he took the course of going to the desert for the day, or to go hunting for two or three days.

We asked the appearer if what he said was true. The man named Jean Glase swears on the Holy Name of God that all that he had just said is true, the whole truth, and that he had nothing to add nor to withdraw. We read his testimony to him in the presence of the witnesses hereafter named, he declared that it was the truth. We asked if he recalled other circumstances which he could cite to prove his innocence. He answered that there was also a negro belonging to Mr Camelle who helped Marie Glase to bury Emilia. The appearer says that he remembers nothing else that he could state, wherefore the witnesses signed with us, on this day and year, March thirteenth, one thousand seven hundred and eighty, at Fort Baton Rouge.

Signed: "favrot"

"Witness Pierre Valer"

Witness Fernando Alvarez"

We certify that the declaration was made before the witnesses who signed and faith may be had in it before justice.  
Fort Baton Rouge, March thirteenth, 1780.

Signed: "Pedro Jose de favrot  
Captain Commandant at said place."

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XVIII.

*Confrontation of Marie Glass with the confession of John Glass.  
(French text.)*

We Captain, Civil and Military Commander at Fort Baton Rouge. Third interrogation:

On this day, March thirteenth, one thousand seven hundred and eighty we summoned before us one Marie, an English mulatress, who appeared in the presence of two witnesses: Srs Alvareze and Valere.

We asked Marie Glase to declare the truth and under oath on the Gospel and on the Holy Name of God to acknowledge to us what had become of poor Emilia, a white girl, servant of Mr William Walker, whose death she is accused of having caused by the most barbarous treatment.

The accused answers that God may damn her and swears on the Virgin that she did not kill the girl Emilia, that she avows having corrected Emilia for greediness and a few small thefts committed on her premises. Marie Glase swears, raising her eyes to Heaven, that Emilia went down the river with Englishmen who all came from Upper Natchez.

We represented to the accused that we had just had the proof of Emilia's death. The accused protests anew to the contrary and that Emilia went away in a pirogue with Englishmen. We assured Marie Glase that she was imposing on us and that she does not speak the truth, we cite to Marie Glase that her pretended husband, Jean Glase, says and has just now declared the contrary.

The appearer and accused, Marie Glase, answered that her husband Jean Glase is insane and does not know what he says, that he has lost his head, that he is a lunatic, that Jean Glase had wanderings and that he was in that condition when Emilia left. Wherefore, after having sufficiently heard the accused protest by her lies and false accusations and oaths, we read to her the testimony of her husband, Jean Glase, given at seven o'clock in the morning of the same day and year of this present act.

After it had been read, the accused was confounded and throwing herself at our feet, in the presence of the witnesses, she begs us for pardon acknowledging her falseness and accusing the truth, that Emilia had died and was buried; that a negro owned by Mr Pauloe and another belonging to Mr Camelle, named Hector, had helped her to bury her near the Desert. The accused protests that she did not kill Emilia, that Emilia died of sickness, that she was ill since a long time, without admitting that it was from her cruelties.

We asked the accused why she had so often sworn falsely and why she had not made a more sincere declaration. Marie Glase said that she had naught to answer and does nothing but cry.

At the conclusion of the said declaration I had it signed by the witnesses and moreover by Doctor Flavere and Mr Poussett,



who arrived at the moment and who heard the reading of her testimony. Done on this day. March thirteenth, 1780, at Fort Baton Rouge.

"Witness Fernando Alvarez".

"Sam Flower".

"Witness Pierre Valer"

"Frano Poussett"

We certify that the present declaration was made before us and in the presence of the witnesses and that faith may be had in it before justice and everywhere that need may be.

Fort Baton Rouge, March 13, 1780.

Signed: "Pedro Jose de favrot  
Captain Commandant"

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XIX.

*Captain Favrot on Report of Physical Examination of the burial place of the murdered girl.*

(French text.)

We, Captain, Civil and Military Commandant of Fort Baton Rouge, On this day, March fourteenth, one thousand seven hundred and eighty, following the declaration and avowals made to us by one Jean Glase and the woman named Marie surnamed Glase, an English mulatress, who, by their declarations of the thirteenth instant, acknowledged that the young white girl named Emelia was dead and buried at their habitation at the Cliffs.

Wherefore we went to the said place with the woman named Marie Glase, to have her point out the place where the girl Emelia was buried, being accompanid by Doctor Flavere, Mr Francois Poussett and by William Donbar, witnesses, in quest of the body of Emilia, which grave we had opened in our presence to verify the fact. We saw that the corpse had been dug up and taken away and in its place was a large dog that appeared to us to have been killed by a blow from a club on his head.

A runaway negro, named Hector, owned by Mr Camelle, living at Mr Donbar's, who is here present, declares that whilst a fugitive he lived at Marie Glase's house during three weeks and says that he knew the girl Emelia, that he helped to bury this young girl's body, assisted by two negroes, one of whom was owned by Mr Loloe and the other by Mr Hatte.

The said negro Hector declares that he saw Emelia before she died, that her mouth was full of foam and that he had often seen Marie Glase tie Emelia up and whip her as one would a negro.

He says that Marie Glase tied a rope around Emelia's neck and dragged her as a dog.

We asked Marie Glase who had dug up Emilia's body, that it would seem that her husband Jean Glase had dug it up in the fear that in the course of time the said negro might declare his crime.

The accused, Marie Glase, answers that the ground has changed and that the rain unearthed the corpse; that the dog had been found and thrown on the same spot and that the earth having fallen from the summit of the Cliff covered the dog. We searched without success. The aforementioned witnesses signed with us on this same day and year, at four o'clock in the evening. Done and passed at the Brown Cliff, (Ecore Brune) March fourteenth, 1780.

Signed: "Pedro Jose de favrot".

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XX.

*Further confession of John Glass regarding the removal and reinterment of the body of Emilia.*

(French text.)

On this day, March fifteenth, one thousand seven hundred and eighty, having returned to Fort Baton Rouge with Mr. Donbar and Mr Flaver, at eight o'clock in the morning, the man named Jean Glase having asked to go out of the prison to speak to us, appeared before us. He asked me to forgive him, that he found himself more guilty and said that if he had known that we were going to the Cliffs in search of Emelia, that he would have declared that, on request of Marie Glase, his pretended wife, and supplicated by the said Marie, he had dug up the corpse of poor Emelia, and had reburied her on the river bank in the sand. The appearer said that the said Marie fearing that the negroes who were present at the burial and who helped her might reveal her crime had recommended that he throw Emelia's body into the river, but that he did not do so. The appearer declared that when they buried Emelia he had perceived that her stomach was bursted and her lower back broken; he does not know who broke it. The appearer swears and protests that what he has just acknowledged is the truth, that he has nothing to eliminate not to add thereto.

We read to the appearer his testimony in the presence of the witnesses. He answered that it was the truth, that there is

nothing to change. The witnesses signed with us on this same day and year, March fifteenth, one thousand seven hundred and eighty, at Fort Baton Rouge.

Signed: "Pedro Jose de favrot".

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XXI.

*Report of William Dunbar J. P. on physical examination in search of body of Emilia.*

(English text.)

Be it remembered that in consequence of the Confession of John Glass and Molly his nominal wife on the 13th. March 1780, of the death and interment of Emilia, as the place of their residence Captain Favrot Commander of the fort of Baton Rouge, accompanied by Francis Ponssett and William Dunbar Esquire and Doctor Samuel Flower, set out on the morning of the 14th Instant for the Camp of the said John Glass in order to dig up and examine the body of the Deceased Emilia; Carrying with them the sd. Molly Glass and a Negro Man, whom John and Molly Glass in their Confession declared to have been present at the interment, and who upon being interrogated readily acknowledged it to be true, being at that time run away from his Master Mr. Campbell. Upon their arrival at the Camp Molly Glass was first brought forward to point out the grave and accordingly led them to the brink of a precipice and pointing to a spot about 12 or 15 feet perpendicular below declared that to be the place, adding withall that the ground had fallen in and had much changed its appearance so that she knew not rightly the exact place; Mr. Campbell's Negro being afterwards called, pointed out the grave in a situation considerably lower, declaring that the ground had not changed its appearance but remained the same; adding further that the Corpse had been covered to the hight of 18 inches or 2 feet of earth; Orders being given to dig at the place pointed out by the Negro; A Dead Body was found at a small distance from the Surface, but not that of any human person but the Carcass of a large Dog; Molly Glass being interrogated, denied having any knowledge of the removal of Emilia's body and declared her ignorance of the body of the Dead Dog being put in its stead, still saying that Emilia had been buried higher; tho' the Negro as steadfastly maintained that the body had been deposited in the place pointed out by himself. No appearance of



any other grave being found, Captain Favrot returned to the Fort the morning of the 15th and soon after his arrival John Glass requested permission to speak with him and upon being introduced fell upon his knees before the Commandant confessing his error for having so long suppressed his knowledge of the Death of Emilia and the circumstances attendant thereon; Supplicating mercy and protesting his own innocence as to having any hand in the criminal part, alleging that his Silence proceeded from a Dread of Molly Glass' resentment and a fear lest the affair coming to light, He himself, tho' an Innocent Person should be suspected to be an accomplice; The above declaration was made to the Commandant in presence of Doctor Flower and Mr. Dunbar, and being further interrogated; He confessed that He had taken up the Remains of Emilia at the Instigation of Molly Glass, the last time He had been up the River, after being Prisoner for a short time, Saying that Molly Glass wou'd give him no peace or rest untill he should remove the body, which he effected tho little remained but the bones and re-interred them in the Sand beach, and after his return he informed Molly Glass of what he had done; he denied having buried the Dog in the same place but that he was thrown down the Cliff after Emilia's remains had been removed and that probably he had tumbled into the same hole and the washings of the Cliff in consequence of the great rains might have covered up the body of the Dog. He further declared that Molly Glass had informed him upon his arrival from Baton Rouge when Mr. Alexander's people went to Pt. Coupe that Emilia was very Sick and likely to die and that one of the run away Negroes that lived there had struck her on the stomach; and that viewing the body himself after her Death, her Breast and back were very black as if they had been much bruised; Being asked whether he supposes that a runaway Negro who was received with hospitality at his house. wou'd attempt the murder of a member of his family in the face of himself and his wife; and whether it is not more likely from the Circumstances with which he was acquainted that Molly Glass had, herself destroyed her. Answered that the latter was much more probable.

John Glass being sent out and Molly Glass introduced, denies her having any knowledge of the body of Emilia being removed and that She ever desired John to do it; She also denied that there was any appearance of Violence to be seen upon the body of Emilia; She acknowledges she told John that a Negro had struck

her but not with any great degree of violence and that She died of a long sickness, adding that she was rotten with a certain distemper.—Afterwards John Glass and Molly being confronted.—John repeated his declarations and Molly persisted in her Denials.

In Testimony of the truth of the above Naration I have hereunto put my hand and Seal the 15th. March 1780.

William Dunbar J. P. (Seal)

Fort of Baton Rouge 16th. March 1780.

Personally appeared before the Court assembled for the Tryal of Molly Glass, Mulatress, Three Indians, who being charged to speak the Truth, Do Solemnly Declare that they remember to have seen Emilia a White Girl in a very bad state of health at Molly Glass' living at Brown's Cliffs, that she was so ill as to be hardly able to speak; lying in a very bad Cabin and incapable of going out of doors, to do her necessities, in so much that they have known her to scrape up the cinders and ashes to cover up her excrements, and while in this low state of health they saw Molly Glass beat and abuse her to such a Degree, that they conceived She cou'd not long exist; and when they asked Molly Glass what right She had to whip a White Girl and that She wou'd certainly kill her; She answered that Emilia was her Slave and that she had a r'ght to do with her as She pleased and added when She is dead it will be well. That once upon another occasion they saw Molly Glass, with a Knife cut out a piece of flesh from the Thigh of Emilia and throw it away.

Harry Alexander

President of the Court.

Endorsed across the back of the foregoing declarations:

Narration of what was discovered at the Cliffs going to dig up the body of Emilia.—Also John Glass' Declaration on our return.

The Depositions of three Indians brought into Court as Evidence.

(Note: the above is translated into French.)

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XXII.

*Examination of three Choctaw Indians before Captain Favrot.*  
(French text.)

On this day, March sixteenth, one thousand seven hundred and eighty, three Choctaws appeared before us and in the presence of Mssrs Alexandre, Poussett, Donbar and Holly, assembled,

through their interpreter, one Baptiste, testify that they knew and saw a young white girl who lived with Marie Glase, residing at the Cliffs. These Savages say that they saw Marie Glase cruelly whip the young white girl who is the same named Emelia: that they told Marie Glase that a white woman was not whipped, that it was done only to slaves, that the said Marie Glase answered that this young girl was her slave, and also a young grif who is at Mr Alexandre's and is mutilated.

The declarers report moreover that this young girl Emelia was so sick from ill treatment that she could hardly walk and drag herself: that the young girl was obliged to relieve herself in the ashes of a little fire made in the cabin where the young white girl was kept and that Marie Glase was cruel enough to whip and beat Emelia again for having relieved herself in the ashes; they said that they were Red men, but that seeing this young girl so badly whipped made their hearts ache.

One of the three Savages declares that he saw Marie Glase take a knife and open the upper part of the young girl's thigh, cut a piece from it and throw it away; that at this time he left to go hunting. He said that this young girl was so ill from ill treatments, that he believes that she must have died. Here is a report very sincerely made before the criminal and before the witnesses, who signed with us, on this day, March 16, 1780.

Signed: "Pedro Jose de favrot".

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### XXIII.

#### *Indictment of Molly Glass and John Glass.*

(English text.)

#### *The Accusation presented against John Glass, Baton Rouge.*

The Jurors Do present for Our Sovereign Lord the King His Catholic Majesty upon their Oath that Whereas Molly Glass a free Mulatress late of English point Coupé in the District of Baton Rouge not having God before her Eyes, but Seduced by the Instigation of the Devil on the fifteenth Day of November last in the Year of Our Lord One thousand Seven hundred Nine and for Divers other Days both before and after with force and Arms at point Coupe aforesaid in the District aforesaid in and upon One Emelia Davis a White Girl in the peace of God and the Lord the King His Catholic Majesty then and there being the aforesaid Emelia Davis Did Barbarously, Cruelly, Wickedly,



Maliciously Beat, Bruise, Whip, and Evilly treat till her Life was Despaired of, of which Wounds she the said Emelia languished and Languishing did Die on or about the Twentieth Day of December now last past against the peace of the said Lord the King now being, his Crown and Dignity: and that John Glass, labouror of said English point Coupe feloniously, and of his forehought Malice, then and there was present, aiding, assisting, abetting, comforting, and maintaining the aforesaid Molly Glass to the felony and Murder—aforesaid in form aforesaid to be done and Committed; and that he the said John Glass of English point Coupe Labouror in manner and Form aforesaid, feloniously, voluntarily, and of his forethought Malice,—killed and murdered the aforesaid Emelia Davis in manner and form as aforesaid, against the peace of the Lord the now King his Crown—and Dignity.

(Endorsed across the back of the foregoing document:)

1st April 1800

Catherine West,  
Equille West,  
Cride West,  
Widow Dumond,  
Witnesses.

Our Sovereign Lord the King  
His Catholic Majesty  
vs.

John Glass

The Jurors on their Oath do and find this  
Bill.

Billa vera  
Richd. Carpenter  
cum sociis

Verdict endorsed below the above:  
The Jurors on their Oath do say we find  
the within John Glass GUILTY of the within  
Indictment.

John Campbell  
cum sociis.

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XXIV.

*Verdict and Sentence of Molly Glass by the Court.*

(English text.)

Fort of Baton Rouge 16th, March 1780.

On mature consideration of the charge exhibited by Indictment against Molly Glass a free Mulatress, for the murder of Emilia Davis a White Girl. We are unanimously of opinion that the fact has been clearly and incontestibly proved upon her, Wherefore in pursuance of a certain law intituled an Act for the

regulation and Government of Mulatoes, Negroes, and Slaves, of the Province of West Florida, still existing and in full force under the Capitulation entered into and granted by his Excellency Don Bernardo de Galvez Governor and Commander in Chief of his Catholick Majesty's forces in Louisiana, and Lieut. Colo. Alexn. Dickson, Commanding his Brittanick Majestys forces on the Mississippi mutually Signed and agreed to the 21st. Day of Sepn. last past; In pursuance of the foregoing authorities and the fullest conviction of her Guilt. We do hereby sentence the said Molly Glass to have her right hand cutt off under the Gallous, then immediately to be hanged by the Neck untill she is dead, And when cutt down, her head to be severed from the body and stuck up upon a pole at her former place of residence at Browns Cliffs and her right hand to be nailed to the same Post. But with a stay of execution, untill this sentence shall be approved of by his Catholick Majestys representative in the government of Louisiana. and the supperior Court of Indication for said Province.

Harry Alexander  
Frans. Ponssett

William Dunbar  
Thomas Dieas.

Jno. Holly.  
Geo. Proffit.

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XXV.

*Confirmation of Sentence against Molly Glass by Captain Favrot.*

At Fort Baton Rouge, March 16. 1780.

By virtue of the Capitulation granted by His Excellency Don Bernardo de Galvez. Brigadier of the armies of S. M. C and Inspector and Intendant Governor General of the Province of Louisiana.

Before us Captain, Civil and Military Commandant of the Fort of Baton Rouge.

On this day, by the Council assembled, by Mssrs Alexandre, Magistrate and Francois Poussette and William Donbar, Justice of the Peace, for this District, and of Mssrs Jon Holly, Thomas Dicas and Jorge Proffite, residents assembled and appointed to proceed to judgment on one Marie Glase, an English mulatress, residing at the Cliffs, accused of murder committed on a girl Emelia, the said Marie Glase clearly convicted and her crimes and other facts being incontestably proven, we sentence her in conformity with the Laws and in expiation of her crimes to have her right hand severed at the wrist and immediately

thereafter hung and strangled until death ensue, and afterwards to have her head cut off to be stuck on a pole and her hand thereto nailed, to be exhibited at her last residence at Brown Cliffs.

I reserve the right to delay execution of said judgment until it be confirmed by the Superior Council of the Province of Louisiana, same to be executed within twenty-four hours after its confirmation and judgment pronounced by His Excellency, Don Bernardo de Galvez, Governor General of the Province of Louisiana. Such are the conclusions. Given by us at Fort Baton Rouge, March 16, 1780.

Signed: "Pedro Jose de Favrot".

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XXVI.

*Sentence of John Glass.*

(English text.)

Fort of Baton Rouge 1st. April 1780.

John Glass, You are to return to the place from whence you came, and from thence to the place of Execution, which place shall be at the will of Captain Favrot Commanding here for His Catholic Majesty and there to be hanged by the neck untill you are dead. With a Stay of Execution of this Sentence, untill it shall be approved of, or otherwise decreed and notified, by his Excellency Don Bernardo de Galvez the Representative of his Catholic Majesty, to the Commanding Officer of this Garrison. Then if confirmed, this Sentence to take effect in forty eight hours after such notification.

Harry Alexander  
President of the Court.

Francs. Ponssett  
William Dunbar.

NOTE.—We do not find in the record any other paper regarding the conviction of John Glass and it would seem that it was omitted because of the recommendations for mercy set forth in the succeeding documents.—Editor L. H. Q.



## XXVII.

*Report of the Court to Gov. Galvez.*

(English text.)

Baton Rouge 6th. April 1780.

May it please Your Excellency

We the Conservators of the peace for the District of Baton Rouge under the Commission of His Britannic Majesty, and still retaining that Character under the Capitulation generously granted by your Excellency; Beg leave to approach Your Person with that Duty and respect which we owe to the Representative of His Catholic Majesty, and with affection and Esteem for the personal virtues of Your Excellency.

We have a particular pleasure in doing ourselves the honour of addressing you upon a Subject interesting to the Majesty of the Sovereign under whose immediate protection we now live, and whose Representative you are; as well as in justice to the powers granted to us by His Britannic Majesty. The proceedings of an Extraordinary trial of a free Mulatress and John Glass her Accomplice for the murder of a White Girl named Emelia Davis will herewith be transmitted you by Captain Favrot commanding here, and we flatter ourselves the proofs aduced to fix the fact of the murder will so clearly appear that Our Sentence respecting Molly Glass the Principal will not be considered rigorous. Thus much we can in conscience say, that we have decided according to our judgment and construction of the Laws under which we act.

'Tis the province of Judges to pronounce Sentence agreeable to Law! 'Tis the Excellency of Majesty to grant pardon or Confirmation of Sentence!

Permit us to represent to your Excellency, that in the course of the Trial of John Glass, we have discovered many circumstances that have much inclined us to commiserate the State of that unhappy Man; His Connection with a Barbarous Wretch; who possessed such an entire influence over his Spirit; hath been the means of his sitting down a tame witness to the most inhuman Cruelties exercised upon a white girl and even of becoming himself, at the Command of this Woman (which seems to have been absolute over his will) an Instrument to carry into execution her hellish purposes. The Laws of our Country permit us not to consider him in any other light than that of an Accomplice in the heinous crime of murder and his Conviction hath been fol-

lowed by that Judgment which is annexed to his Crime. Upon these Considerations, the simplicity of the man's nature, and a persuasion that his guilt hath its sole foundation in his Connexion with that more than Savage Woman, We consider him as a fit object for the Extension of the royal mercy, We cannot therefore resist the impulse of our own Nature in solicting your Excellency to communicate to, the unfortunate John Glass Such portion of the royal favour in mitigation of his punishment as Your Excellency in your Wisdom and clemency shall see fit.

It wou'd be unpardonable to close this letter without acknowledging how much we are obliged to the Indefatigable Zeal and attentions of Mr. Favrot. From the first discovery of this horrid murder, he has exerted himself with the utmost diligence, to bring this barbarous transaction to light, so that the Indignity done to the government of his Royal Master might be stamped on the perpetrators of so atrocious a Crime executed with even more than savage Cruelty! We acknowledge also in terms of great sincerity and pleasure, the readiness with which Mr. Favrot, in correspondence with your Excellency's Intentions, subjected to the determination of our laws the fate of the two unfortunate Criminals. We have the honour to be with perfect respect

Your Excellency's most humble and most Obedient Servants,

Harry Alexander

Frans. Ponssett.

William Dunbar.

His Excellency Don Bernardo de Galvez,

Governor and Commander in Chief over the Province of Louisiana.

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XXVIII.

*Report of Captain Favrot to Acting Governor Piernas.*

(French text.)

SIR:

I have the honor to send you the proceedings against a certain English mulatress, named Marie, surnamed Glase, who has been convicted, as you will see, by the testimony of seventeen persons, all examined before me, without connection, and confronted with the said mulatress, but too well convicted of all her crimes and of having caused the death of a young white girl,

named Davise Emelia, who died after having suffered such cruelties as the human mind can not conceive, inflicted by the said Marie Glase, mulatress.

I believe, Sir, that in granting a Council on demand of Mr Alexandre, Magistrate and Judge of this District, I have carried out the intention of our worthy General, in the capitulation granted Article 9th. Besides this does not affect any point since you are to judge in last resort, and also the Auditor, who pronounces according to the Laws.

I would consider myself wanting in the confidence due you for your justice and your sagacity, I am then certain that Marie Glase will not escape the death penalty; such a sentence is even too mild for such an infernal nature, I am so convinced that her sentence will be confirmed and approved that I consider it useless to incur costs by sending her to appear before you, and that it will be granted that she be executed in this district as a necessary example here. I ask it of you and so do the judges and inhabitants; as to an executioner—there is a negro here and others who for the sum of ten piastres would assume this mission.

The proceedings would have been more promptly followed if I had not been delayed by bad weather which prevented transportation of witnesses and their appearances, and also the translation of the proceedings in English into French, in order to give you less difficulty in clearing up the proven facts.

I send you, his feet in irons, one Jean Glase, pretended husband of the said mulatress, clearly convicted of being an accomplice and a criminal, by the procedure sentenced to be hung; the Council pronounced according to the laws.

I have the honor to remark that though the said Jean Glase is very guilty, it is proven that he was no more than the slave of this mulatress who had a despotic power over him, a weak man, who stood in fear of her; I implore you in the name of the assembly to commute this penalty to that of the galleys or to work in the mines for life.

You will excuse me, Sir, if possibly I have not followed the form and custom of a civil procedure. It is the first time I find myself in such a case, deprived of law books which might have instructed me and give me the protocol to be followed in such circumstances.

I have the honor to advise Mr Auditor of same and to implore his compassion for the said Jean Glase and to obtain the execution of the mulatress.



I await your orders to this effect and for the sale of the effects and movables of the said woman, named Marie.

I have the honor to remain with highest consideration,  
Sir,

Your very humble and very obedient Servant.

Signed: "favrot".

To Mr De Piernas.

Fort Baton Rouge,

April 12, 1780.

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XXIX.

*Taxation of Costs by Captain Favrot.*

(French text.)

Memorandum of what is due by the woman named Marie Glase and Jean Glase, to be paid from sale of her effects which are in my hands:

For sixty days board until the twelfth of the present monthat two 'reaux' a day, for each two bits, amounting to 240 Reos for two months.....30 pesos  
For seven men who went for her, to each two days at one piastre.....14 pesos  
Three other trips in a pirogue, made to transfer her effects to the fort, The same number of men who worked two days each.....42 pesos  
Plus the journey I made for taking up Emelia's body;  
I had six oars and the master, making seven men for two days each at a dollar.....14 pesos

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Total to be deducted for board and five.....100 pesos

journeys made amounts to the sum of one hundred Piastres; gourde<sup>1</sup> to be taken from the sale of her movables and immovables.

Due until 12th of present month of April 1780.

Done at Baton Rouge, this said day and year.

Signed: "Pedro jose de favrot"

The sale of the effects of the woman named Marie Glase and of her pretended husband paid for their board until April twelfth, sixty days for each make one hundred and twenty days at the rate of two reales a day, amounting to two hundred and forty

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<sup>1</sup>Gourde had the same value as a piastre, silver coin.

(<sup>2</sup>reales equal to thirty piastres).....<sup>3</sup> and seventy piastres for (<sup>2</sup>salary of seven men who rowed her over) and carried over all her effects, taking two days for each trip. I add this..... to memorandum.

Passed at Fort Baton Rouge, April 12, 1780.

Signed: "Pedro Jose de favrot".

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XXX.

*Proceedings before Acting Governor Piernas and Judge Postigo in New Orleans.*

(Spanish text.)

I, Francisco Munoz, declare, as warden of the prison, that I have received from Sergeant Antonio Zuma a white man, and a mulatto woman arrested by order of the Governor.  
New Orleans, April 24th. 1780. Francisco Munoz.

New Orleans, August 2, 1780.

These documents to be transmitted to the Auditor of War that he may advise me as to what should be legal.

Piernas.

Before me Leonardo Mazange,  
Clerk.

In the criminal case which has been officially prosecuted against Maria Glass, of English nationality, for the death which Maria Hemilia Davis, free woman, incurred at her hands, (prosecuted) by the justices of the peace in the district of Baton Rouge in accordance with the capitulation agreed upon between Don Bernardo de Galvez, governor and commander-in chief for His Most Christian Majesty for the Province of Louisiana, and Don Alexandro Dingson (Dickson), lieutenant-colonel and commander of the troops of His Britanic Majesty on the Missisisippi, for the garrison and district of Baton Rouge in West Florida.

*Judgment.*

I find that I ought to confirm, and I confirm the sentence of death pronounced by the said justices of the peace against Maria Glass in accordance with the laws and in pursuance of article 9 of the capitulation; and I condemn Juan Glass to five years' imprisonment in the castle of San Juan de Lua at the city of Vera-

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<sup>2</sup>Missing in text, supplied from Doct. marked 35.

<sup>3</sup>Missing in text.

cruz for the omission which, as appears from the tenor of the documents he constantly committed in being always present at the continual acts of ill-treatment with which his concubine Maria Glass caused the death of Hemilia Davis without opposing them nor informing the judges of his district; and this my sentence I thus confirm, decree, and sign.

Pedro Piernas.

Postigo .licentiate.

The foregoing sentence was given and pronounced by Don Pedro Piernas, governor ad interim of this province, who signed it, together with his general assessor, in a public session, the witnesses being Don Adrian de la Plaza, Don Francisco Blache, Fernando Rodriguez, inhabitants of this city, and present in it, on January 19, 1781.

Certified— Leonardo Mazange.

Assessed: Ten reales

Clerk of the government.

Notification. In the city of New Orleans, Jan 20, 1781, I the undersigned Clerk went into the public prison of this city and notified Maria Glass, free mulatto, through Don Alexandro Reaux, of the aforesaid sentence, and read it word for word to the aforementioned prisoner in person, in the said prison, in the presence of Pedro Pizanie and Gosson, constables; all which I certify.

L. Mazange, Clerk.

Thereupon immediately. in the abovesaid form and with the said witnesses present, I the Clerk read the said sentence to Juan Glasse by means of the said interpreter, and notified him in person, whereto I certify.

L. Mazange, Clerk.

In the city of New Orleans, January 20, 1781, I the Clerk, being in the public prison, gave notice of the foregoing sentence to Francisco Muñoz, warden of the prison, in person, that he might carry out the said sentence; who, having heard and understood it, declared that he was ready to carry out the part which concerned him.

L. Mazange, Clerk.

On the said day, month, and year, I the Clerk went to the dwellings of the most reverend Capuchin Fathers and gave notice of the said sentence to the Reverend Father and Vicar Don Francisco de Caldas, in person. Certified.

L. Mazange, Clerk.



On the said day, month, and year, I the Clerk notified, and delivered the certified copy of the sentence on page 62 to the Sheriff, Don Francisco de la Barre, in person, and its confirmation on pages 71 and 73.

L. Mazange, Clerk.

Done Jan. 22, 1781  
stating that she  
could not sign her  
name. I certify.  
L. Mazange, Public  
Notary.

I, Maria Glace, free mulatto, prisoner in the public prison of this city, declare that I have been notified of a sentence pronounced by Your Lordship in which I have been given to understand that I have been condemned to death by hanging, wherefore I represent to Your Lordship that I find myself to be pregnant, three months, in consequence of which I pray Your Lordship to take the promptest and most effectual measures respecting the matter, wherefore I pray Your Lordship to be pleased to provide as may be suitable, etc.

With reference to the representation made by Maria Glace in this petition Don Roberto Dow, physician of the royal hospital, assisted by Don Juan Ruby, chief surgeon, and by Don Joseph Montegut will proceed to the public prison of this city and examine the aforesaid woman and certify at once what appears to them to be the truth concerning the said representation, and then let the matter be attended to.

Piernas.

Postigo.

Done by Señor Don Pedro Piernas, lieutenant-colonel in the Royal Army, sergeant-major of the permanent regiment of this place and governor ad interim of this province, who signed it, together with his general assistant, January 21, 1781.

Leonardo Mazange, Clerk.

Acceptances and oath. On the said day I gave notice of this to Don Roberto Dow, physician, and to Don Juan Ruby and Don Joseph Montegut, surgeon, who declared that they accepted the said appointment, and swore by God our Lord and the sign of the Cross according to law to proceed well and faithfully, and signed this, whereto I certify.

Roberto Dow.

Before me Leonardo Mazange Clerk.

Appearances taken by Nicolas Fromentin.

Certified L. Mazange.

On the aforesaid day, month, and year: I the Clerk, accompanied by Don Roberto Dow, Juan Ruby, chief surgeon

of the royal hospital, and Don Joseph Montegut, naval surgeon, went to the public prison of this city, and being in the chapel, where the mulatto Maria Glaze was found, in order to examine as to her pregnancy, they said, after having examined her, that although the aforesaid woman declares that she is pregnant, about three months, yet for the shortness of the time they could not certify as to the reality of the said pregnancy; that what they have certified is the truth, upon their oaths, and they signed it; to which I the Clerk certify.

Roberto Dow.

Joseph Montegut.

Juan Ruby.

Before me Leonardo Mazange, Clerk.

Let Francisco Muños, warden of the prison, swear and declare whether on any day he left the cell of Maria Glase open, or let her go out from it for any short time to get the air, in any place where she could have communication with any man,

Piernas.

Postigo.

Done by Señor Don Pedro Piernas, lieutenant-colonel in the Royal Army and Governor ad interim of this province, who signed it January 22, 1781.

Leonardo Mazange, Clerk.

On the said day, month, and year, being in the public prison of this city, there appeared before me Francisco Muños, warden thereof, whose oath I received, in accordance with the orders given, and he swore by God and the Cross according to law and promised to tell the truth, and being examined according to the tenor of the above decree he said that, by order of the Governor ad interim in consideration of the circumstances of the prisoners, some days after having undergone the hurricane, all the rooms being full of water, he put all the prisoners forth from them that they might warm themselves in the sun, and that one of them was Maria Glase, who talked and communicated with all the men who were within the said prison; that this is the truth, upon the oath he has taken; that he is forty-nine years of age; and he signed this; whereto I certify.

Francisco Muñoz

Before me, Leonardo Mazange, Clerk.

In the city of New Orleans, July 20, 1781, Señor Don Pedro Piernas, ad interim governor and commandant of this place,

ordered that notice should be given to the medical men who previously went to examine whether the mulatto woman Marie Glas was with child, and could not assure us of the truth because of the short time she was (said to have been) with child, that the medical men mentioned should go a second time, and immediately upon their visit should inform us of the state in which she is.

Piernas.

Postigo.

Done by Don Pedro Piernas, lieutenant-colonel of the royal Army and governor ad interim of this province who signed it on July 20, 1781, whereto I certify. Leon. Mazange, Clerk.

Notification. On the aforesaid day, month, and year, I notified Don Roberto Dow, physician, Don Josef Montegut, and Don Santiago Leduc, in person, I certify, and they said that they accepted the notice, and signed.

Before me, Leonardo Mazange, Clerk.

Declaration, On the aforesaid day, month, and year, I the scribe, accompanied by Don Roberto Dow, physician, Don Josef Montegut, naval surgeon, and Don Santiago Leduc, surgeon, went to the public prison of this city, and being in the room in which the mulatto woman Maria Clas was, in order to examine as to her pregnancy, they declared after having examined her that, although the said mulatto woman said that she was with child, it was false, and that this they said after having given the attention which the case requires; and that what they have declared is the truth according to their conscience and obligation: and that they are of the age required in such documents; and they signed this; to which I certify.

Jacques Le Duc.

Joseph Montegut.

Robert Dow.

Before me, Leonardo Mazange, Clerk.

Decree. In the city of New Orleans, July 23, 1781.

Señor Don Pedro Piernas, lieutenant governor ad interim, having seen the declaration of the medical men, declared that he ought to order, and did order, that the sentence pronounced January 19, 1781, should be carried out to full and due effect. So I pronounce order and sign.

Pedro Piernas.

Postigo.

Before me, Leonardo Mazange, Clerk.

The preceding sentence was given and pronounced by Señor Don Pedro Piernas, lieutenant colonel of the permanent regiment



of this place, governor ad interim of this province for His Majesty, with the approval of the Señor Auditor of War and assistant Don Juan Doroteo del Postigo, who both signed it, July 23, 1781. Certified.  
Leonardo Mazange, Clerk.

In the city of New Orleans, July 23, 1781, I the Clerk, being in the public prison of this city, made known the preceding decree and gave notice through the interpreter Don Juan Duforest, and read exactly the preceding sentence to the mulatto woman Maria Glase, prisoner in the said prison, in person. Certified.

Leonardo Mazange. Clerk.

Made known the preceding decree.—L. M.

On the said day, month and year. I the present clerk communicated the preceding sentence to his Reverence Father Francisco de Caldas, vicar of this parish, in person. Certified.

Leonardo Mazange, Clerk.

Then immediately, in the presence of me the Clerk, by means of Pedro Pisani and Gosson, constables, the said mulatto woman Maria was led into the chapel of this prison. and was put in the iron collar (argolla) in order to execute upon her the sentence which precedes, and that it may be duly known. I record it. Certified.

Leonardo Mazange. Clerk.

Immediately I the Clerk notified, and read, to the letter, by means of the interpreter, and word for word, the preceding sentence to Juan Glase, in person. Certified.

L. Mazange.

Immediately I made known the preceding sentence to the chief constable, Don Francisco Pascalis de la Barre, and delivered evidence of the same. Certified.

L. Mazange.

On the same day, month and year, and in the public prison, I gave notice of the preceding sentence to Francisco Munoz, warden of the prison, in person, who having heard it declared that he was ready to comply with what was ordered. Certified.

L. Mazange. Clerk.

## XXXI.

*Execution of Mary Glas.*

In the city of New Orleans, July 26, about eleven o'clock in the morning, Francisco Muñoz, warden of the said public prison, having made the delivery which he offered of the person of the free mulatto Maria Glas to the above mentioned constables Pedro Pizani, and Antonio Goson. who are the ordinary officials of the royal justice, in order to carry out the order contained in the preceding sentence, she was taken from the said royal prisons with the assistance (presence) of the above mentioned ministers of justice and of me the present Clerk, and aid of two parties of soldiers of the permanent battalion of this place, with the crier going before, who went forward proclaiming with a loud and audible voice the following proclamation.

"This is the justice which the King our lord, and in his royal name his Lordship the Governor ad interim Don Pedro Piernas, lieutenant Colonel of the permanent regiment of this place, orders to be done upon this defendent Maria Glaz, free mulatto, of the English nation, for having killed Emelia Davis, young white woman, the defandant having been condemned to the ordinary penalty of the gallows and her right hand to be cut off at the foot of the gallows; whoso does thus, let him thus pay." and was led through the public and usual streets of the said city until she arrived at the public square, being about twelve o'clock or little different therefrom. where was found a gallows; there she was hanged by the neck upon it by Miguel the executioner, until she appeared to have died, since she gave not the least sign of life, all which having been done, the crier, for the crown, made the following proclamation in a loud and audible voice, a considerable concourse of people hearing him, "Don Piernas commands that no person, of whatever degree or quality he be, dare to take from the gallows the body of Maria Glas who is hanging upon it, on penalty of life"; and that if may be duly known I record it, cetrifying to all this.

Leonardo Mazange, Clerk of the public government.

Note, that the said mulatto woman was in the public prisons for fifteen months, beginning April 24, 1780, and ending July 26, 1781, Certified.

L. Mazange, public Clerk.

## EDITOR'S CHAIR

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THE  
CENTENARY  
OF  
FRANCIS  
PARKMAN.

Though the hundredth anniversary of the birth of Francis Parkman (September 16, 1923) was not noticed in Louisiana by any ceremony, we followed with interest the papers and addresses published and delivered elsewhere. His memory is particularly dear to us because he has embalmed in stirring english the early history of the pioneers whose labors and sacrifices created for the King of France his sovereignty over Canada and the Mississippi Valley. Indeed, if he had written no other book than the LA SALLE, we would still hold him in reverence in Louisiana, for that treats of the very beginning of things in this part of the world.

A native of New England and of sufficient means to live a life of ease justified by his physical ailments, he nevertheless devoted forty years of physical and mental labor to the preparation of histories which with minor exceptions relate wholly to the wilderness conflicts of the pioneers of New France, a record of personal achievement, and of the struggle with England which eventually dispossessed France of all her colonies in North America. These books will always be consulted by students of our origins, and they will entertain the casual reader in the generations yet unborn.

Parkman gathered his material at a time when the archives of France and England had not been subjected to the intensive study that has laid almost all their contents open to general use, and without the aid of the printed indexes and MSS copies now lodged in Washington particularly and elsewhere in the United States. Our own Gayarre had discovered and used the archives of France during his residence there in the forepart of the 19th Century, but he was working in a limited field and was moreover content that others should aid him after his first gleanings, conducted with his own eyes.

Parkman had in view, however, our whole country, and particularly the Valley as affected by french and english ambition and he devoted his long life to the subject. His use of this material may justly be said to have put him at the head of the movement which to-day has created the great mass of printed matter and written collections which every writer must consult, even though it cannot all be assimilated by him. Yet all



that has since been discovered and all that has been printed, has not materially changed the facts as stated by Parkman, nor seriously impaired the value of his histories.

It has been suggested that in one department only of his labor has there been left anything that requires separate treatment. This gap in his great work is with reference to his disregard of the material side of some of the problems of that era, the establishment of communities, the growth of commerce and the political and legal development of the conflicting races in their new homes. Yet it is palpable that these were not in the purview of the author nor a part of his plans, he was primarily interested in the dramatic side of an irrepressible conflict, he aimed to understand and to develop the relations between the french and indians, to discover the motive behind the movements, which culminated in the elimination of the Indian and the contemporaneous overthrow of his french patron and ally.

The *New York Times* said recently that "Parkman's name adds another to the list of writers who have had to contend against poor eyesight or even blindness. The malady which overtook him while engaged on *The Conspiracy of Pontiac* seems to have been some form of nervous exhaustion, accompanied by such sensitiveness of the eyes that he could keep them open only in a dark room. Undaunted, he contrived a machine which so supported his hand that he could write legibly with his eyes shut. Books and documents had, of course, to be read aloud to him while he took notes. These in turn required deciphering and rereading. But his greatest disadvantage was his meagre strength, which gave out at times after a half hour's strain. Accordingly his biographer records that his rate of composition for a long time averaged scarcely six lines a day."



# RECORDS OF THE SUPERIOR COUNCIL OF LOUISIANA

## XXI

(Continued from July, 1923.)

May 30, 1739. **Commission Registered.** Council approves the application of Sieur Baubee (also written Bobe) Desclauzan (briefed Ducloseaux), to have his papers registered for the office of Marine Controller.

Signed: Bienville, Salmon, Louboey, La Freniere, Raguet. Extinct memorandum by probably the Attorney General.

May 30, 1739. **Shipping Receipt.** Captain Elie Giraud, of the "Comte de Maurepas," La Rochelle, has received of Paul Rasteau, (torn) so many bundles of buckskins, on account and at the risk of Jacques Rasteau, Jr. Freight at 80 francs a ton, to be reckoned in France.

Mark: I. R.

Printed form, written entries. Outer corner lapped.

May 30, 1739. **Invoice of Merchandise.** Five bundles of buckskins, net total billed at 1801 francs, 3 sous, 4 farthings.

Shipped on board "Comte de Maurepas" to Mr. Rasteau, Jr.

May 30, 1739. **Shipping Receipt.** Captain Elie Giraud, of the "Comte de Maurepas," 300 tons, has received of Paul Rasteau 20 bundles of deerskins, marked IV, in consignment to Jean Vivier. Freight at 80 francs a ton, to be reckoned in France. Printed form, written entries.

May 30, 1739. **Invoice of Merchandise.** "Which may God conduct." Namely, 20 bundles of deerskins, consigned by Paul Rasteau of N. O. to Jean Vivier at La Rochelle, by ship "Comte de Maurepas," Captain Elie Giraud. Total bill, 2005 francs, 18 sous, 2 farthings. Marked: IV.

May 30, 1739. **Shipping Receipt.** Captain Elie Giraud, of the "Comte de Maurepas," has received of Paul Rasteau a quarter of indigo, in consignment to Mr. Mirande.

Mark: A. J. S. 16 (A No. 16). Freight at 3 sous, 6 farthings per lb. of indigo.

Printed form, written entries.

- May 30, 1739. **Invoice of Indigo.** One quarter of indigo, net  
1p.  
No. 39<sup>113</sup>.                   2 $\frac{1}{4}$  = 722 $\frac{1}{4}$  francs.  
See 39<sup>112</sup>.                   Consigned by Paul Rasteau to Mr. Mi-  
rande.
- June 1, 1739. **Bond. (Incomplete Record).** So far as this  
1p.  
No. 39<sup>114</sup>.                   closing portion shows, the parties Estienne  
Langlais and his wife Dame Baudreau are  
pledged to pay the Company an aggregate sum  
of 5391 francs+, in three equal yearly instal-  
ments.  
Torn above and below.
- June 2, 1739. **Petition to Recover Slave Jeannot.** Marie Anne  
1p.  
No. 39<sup>115</sup>.                   Bertin, veuve Busson, now wife of Jacques  
See 39<sup>135</sup>,                   Larche, borrowed 700 francs of Aufrere, and for  
39<sup>178</sup>.                   security she allowed him the service of her  
Jeannot till redemption of loan. She is ready to  
pay in full, but Aufrere declines to release  
Jeannot. Let A. be cited. Order granted and  
notice served on Aufrere's attorney on June 27.  
(In very bad script.)
- June 6, 1739. **Letter of Rullierd to Paul Rasteau.** Writes by  
The Cape.                   way of the passing brigantine "Le Mars" of La  
4pp.                   Rochelle, Captain Roux. The writter is still  
No. 39<sup>116</sup>.                   cumbered with 300 hogsheads of sugar, owing to  
See 38<sup>122</sup>.                   slack market; quoted at 14 to 15 francs per cwt.  
He has also a lot of unsold rafters, largely  
damaged. P. R.'s Uncle Dujardin sends a box  
of lime juice. Lumber sale has yielded 21700  
francs, more or less. Other business, and some  
personal matters, discussed.
- June 6, 1739. **Suit for Money in Registry.** Marine Controller  
3pp.                   Bobé Descloseaux claims a debt of 2333 francs  
No. 39<sup>118</sup>.                   from Sieur Marin, once joint owner with  
See 39<sup>107</sup>,                   Fillart, of the boat "Le Francois." Money was  
39<sup>118a</sup>.                   advanced to them in the way of capital. But  
since it appears that they have sold the boat,  
and that the proceeds are in Recorder's office, let  
this claim be discharged to bearer of the bond.  
Judge Salmon grants relief to the extent of  
1433 francs; and Marin shall give his bond for  
payment of residue 900 francs in two months.  
(Torn at base; partly faded.)



With June 6.  
Slip.  
No. 39<sup>118a</sup>.  
See 39<sup>118</sup>.

**Memorandum of Account.**

Marin and Filard, Dr.....	2333	francs.
Bond (in deduction).....	900	
	<hr/>	
	1433	

1750.

Still due by Mr. Gautreau.....	317
by the Doctor.....	1350
	<hr/>
	1667

(Mr. Gautreau was bearer of the bond.)

June 6, 1739.  
3pp.  
No. 39<sup>119</sup>.  
See 39<sup>127</sup>.

**Power of Attorney.** Andre Gonzalez, a Spaniard, to Jean Gonzalez, innkeeper, for pursuit of a runaway slave: a mulatto named Pierre.

June 16. On request of J. G., Sheriff Le Normand serves a copy of this authorization to Mr. Joseph Chaprone.  
(Nearly extinct.)

June 6, 1739.  
7pp.  
No. 39<sup>120</sup>.  
See 39<sup>88</sup>.  
39<sup>1215</sup>.

**Remonstrance.** In response to Mr. G. Pery's demands on the estate of the late Captain de Coustilha, Attorney D'Auseville draws up a rigorous array of strictures on Mr. Pery's "confused" and irregular accounting. It savors of "get rich quick" apprentices, and calls for such unsparing revision as Attorney D'Auseville then proposes in outline, for Mr. G. P.'s guidance.

No note by Council.

Fading, but still positively legible (A. D. 195.)

June 6, 1739.  
2pp.  
No. 39<sup>121</sup>.  
See 39<sup>106</sup>,  
39<sup>68</sup>,  
39<sup>120</sup>,  
39<sup>122</sup>.

**Decisions in Sundry Suits.**

1. Castang *vs.* Jean Cariton. For plaintiff.
2. La Branche *vs.* Widow Petit de Livilliers. Award of 30 francs to plaintiff. See 39<sup>79</sup>
3. Prat *vs.* Haville. Illegible. See 39<sup>89</sup>.
4. Le Kintrek *vs.* Pery. Contract cancelled. Plaintiff to pay what is owing to defendant.
5. Pery *vs.* D'Auseville. Still pending.
6. Illegible.

June 6, 1739.  
3pp.  
No. 39<sup>122</sup>.  
See 38<sup>29</sup>,  
39<sup>67</sup>,  
39<sup>120</sup>,  
39<sup>138</sup>,  
39<sup>237</sup>.

**Contingent Decision in Estate Suit.** Gerard Pery *vs.* D'Auseville, attorney for de Coustilha estate. Parties ordered to produce papers.

June 30. Mr. D'A. still again calls a halt on the proceedings, until Mr. Pery clears up an interlinked, or intermixed, account with Amelot estate. But at present Mr. D'A. is anyhow too ill to act.

Blurred and much faded.

- June 8, 1739. **Letter of Girard to Rasteau.** Has been "here" since June 5. Lost his second anchor by breaking of cable. Reference to business of pitch and tar.  
 2½pp.  
 No. 39<sup>123</sup>.  
 See 39<sup>128</sup>.  
 Has learned, by Mr. de Villaire, of the death of Giraud, Senior.
- June 8, 1739. **Letter of (Paul Rasteau) to Mr. Allard Bellin,**  
 1p.  
 No. 39<sup>124</sup>.  
 La Rochelle. Acknowledging B.'s letter of December 17. Business and personal matters.
- June 8, 1739. **Another to Mr. Guinot, La Rochelle.** Business  
 N. O. 1p.  
 No. 39<sup>125</sup>.  
 details.
- June 8, 1739. **Another to Madame Masu, La Rochelle.** He  
 N. O. 1p.  
 No. 39<sup>126</sup>.  
 See 39<sup>4</sup>.  
 will remit to Mr. Causse the sum of 270 francs, 4 sous, which Mr. Tardy tendered him for sale of goods in question.
- June 8, 1739. **Letter (Unsigned) to Mr. Resnau at La Ro-**  
 N. O. 1p.  
 No. 39<sup>117</sup>.  
 See 39<sup>7</sup>, 39<sup>151</sup>.  
 chelle. Acknowledging R.'s letter of past January 29, and forwarding particulars of sale of goods of late La Serre.
- June 8, 1739. **Procuration.** Jean Labranche and Suzanne Mar-  
 (2020).  
 fo. 12.  
 chand, his wife, to (blank) to claim and protect their rights in succession of deceased Delle Salari, or any other inheritance in which they may be interested in the city of St. Martin in Dauphiné, where said Suzanne Marchand was born. Signed by Suzanne Marchand, Roumier, Jahan, Henry, notary.  
 La Branche declared that he did not know how to read nor write.
- June 14, 1739. **Marriage Contract** between Jean Baptiste La-  
 3½pp.  
 (8385)  
 (2072)  
 fo. 6.  
 pierre, wig-maker, son of Claude Lapierre and Anne Casterelle, both deceased, a native of Frenoy in Champagne, France; and Marie Joseph Roy, minor daughter of Sr. Louis Roy and deceased Marguerite Dumoine, a native of Detroit, Canada. Signed by Lapierre, Nicolas Adam, Aufrere, Reytet, Avignon, Poisat, Hugault, Piquerey and Henry, notary.  
 Inclosed in above document: With the above there is a document addressed Salmon, First Judge of Superior Council, by Jean Baptiste Lapierre, declaring that he was married to Marie Baillard, widow of Francois Eguissier

and was charged with the tutorship of her two daughters. Being about to contract a second marriage, he prays that an inventory be made of all community property between him and his deceased wife for protection of all concerned, and that this report be filed in the Registry to serve as need be. Signed "Hugault."

Salmon orders the inventory to be made and filed in the registry with appraisement. Sr. Darby appointed for that purpose. Signed "Salmon."

Inventory taken on June 12, 1737, in the afternoon. Covers 3pp, badly charred, in some parts scarcely legible. Signed by — Poizat, Aufrere, Durcy, Avignon, Darby and Hugault.

June 15, 1739. **Detached Sheet.** "Statement of what I have furnished for the brigantine 'St. Louis,' from date of this day, 15 June, 1739."

1p.  
No. C 397.

June 15, 1739. **Petition to Recover Slave.** Jean Gonzalez, attorney for Andre Gonzalez, reports that the runaway Pierre is harbored by Chaperon, who pretends to have Monsieur de Bienville's permission to keep Pierre for a cowherd. Mr. de Bienville tells J. G. no such permission was given. Let Chaperon return Pierre and be fined 20 francs a day during time of detention.

3pp.  
No. 39<sup>127</sup>.  
See 39<sup>119</sup>,  
39<sup>1291</sup>.

On board  
"Maurepas,"  
June 17, 1739.  
2pp. No. 39<sup>128</sup>.  
See 39<sup>123</sup>,  
39<sup>130</sup>.

**Letter of E. Riaud to P. Rasteau.** Finds it troublesome to cross the bar. Like the other ships, he had to discharge, and all for want of pilot. Third of crew sick. Will not accept Mr. D.'s tar, owing to poor quality. Interlinear note with outside address: "Donnez moy ma bouteille et mon verre."

June 20, 1739. **Decisions in Two Suits.**

2pp.  
No. 39<sup>129</sup>.  
See 39<sup>127</sup>.

1. Gonzalez *vs.* Chaperon. Judgment reserved until presumed owner arrives to show whether the mulatto in question is a slave, or not.
2. Lassus de Marsilly *vs.* Lemoyne. Engineer Broutin shall first inspect the wood; decision will hinge on his report.

Signed: Salmon, Fleuriau, Bobé Des-closeaux.



On board  
"Maurepas,"  
June 22, 1739.  
4pp. No. 29<sup>130</sup>.  
See 29<sup>128</sup>,  
29<sup>133</sup>.

**Letter of E. Giraud to P. Rasteau.** Repeating (in script like barbed wire fence and catbrier thickets) the annoyance of being delayed for want of pilot over the bar. It might be well to get orders for one from Judge Salmon.  
Requests a supply of bread, vegetables and beef.

Mobile,  
June 29, 1739.  
1p.  
No. 39<sup>131</sup>.

**Letter of Rondiniere to Rasteau.** Enclosing a letter from correspondent's father, and one from Mr. La Motte of St. Malo, the writer's outfitter.

Asks for prices of European and Colonial merchandise (Doroppe, et de celle de la Collonnie). Item, could he deal better at N. O. than at Mobile? (Inner page): He has some consignments for the recipient from Captain Seignet of the Cape.

July 2, 1739.  
2pp.  
No. 39<sup>132</sup>.  
See 39<sup>134</sup>.

**Petition for Admission to Council.** Mr. Couturier holds a commission from Governor de Bienville and Judge Salmon to serve as Councillor and assistant judge: let him be received and his commission registered.

Referred to the Attorney General, who requires the usual moral credentials.

On board  
"Maurepas,"  
July 3, 1739.  
3pp.  
No. 39<sup>133</sup>.  
See 29<sup>130</sup>.

**Letter of E. Giraud to (P. Rasteau).** At last they are clear of the bar. He will sail (D. V.) in three or four days. If the desired provisions do not arrive in time, he will draw some bread from another ship, and correspondent will please to settle with captain on arrival at N. O. Mr. La Freniere is well; Mr. and Madame Mayeur are ashore (nor is the writer sorry). "Le Marie Françoise" and "Le Mars" have sailed. Wind has been east and S. E.

July 3, 1739.  
2pp.  
No. 39<sup>134</sup>.  
See 39<sup>132</sup>.

**Testimony on Life and Morals.** Witness Jean Francois Gautreau, royal storekeeper, has long been acquainted with Mr. Joseph Francois Couturier, candidate for Councillor's office, and knows him to be of clean record for honesty; withal a consistent Catholic. Similar and very cordial commendation witness Ignace Broutin, Royal Engineer.

Attorney General finds evidence valid, and orders applicant's due reception, under oath.

Pointe Coupee, **Hire of Slave.** Pierre Baron hires to Messrs. Bienvenu and Mathurin, a negro named Jacob, for service during a trip to Illinois, both ways. Terms, 2000 (lbs.) of flour. Jacob shall be returned in the course of May, 1740; proviso for compensation, if not.

July 9, 1739. **Petition to Cite Attorney D'Auseville.** Francois Jantian, attorney for Antoine Aufrere, to make sure that his unsophisticated client has not been overreached by the pleaders for Madame Widow Busson, as touching a disputed slave of the St. Julien estate, sues for the citation of Attorney D'Auseville in reference. Granted, and notice served. July 20. Madame Widow Busson is now married to Sieur Larche.

July 12, 1739. **Memorandum on Hired Slaves.** Tixerant certifies that Mr. Dalcour, by order of Messrs. de Bienville and Salmon, furnished four slaves for "train" of Mr. de Vieuxchastel, and two for Mr. Trudeau on his plantation. Item, August 18, 1739; two for Mr. Trudeau, for train of Mr. M. On his plantation. (Convoi, train, usually a funeral "train," seems here applied to lumber operations.)

Aug. 13, 1739. **Report on Dead Slave.** Surgeon Alexandre, correspondent of Royal Academy of Sciences, was summoned by Madame D'Arcour to visit a negro named Congo, critically ill with a flux (not specified further) and since deceased (so found by the Surgeon).

July 13, 1739. **Petition of Recovery by Seizure.** J. B. Gauvain, innkeeper, claims a board account of 881 francs+, from parties Jean Moreau and Lemoine. Learning that they are creditors for about 1200 francs to Contractor DuBreuil, the petitioner moves to seize funds debit in the latter's hands. Action allowed. (The seizure to be "at the risks and perils of whom concerned.")

July 17, 1739. **Petition for Specific Performance of Contract.** Royal Contractor DuBreuil had agreed with Messrs. Moreau and Lemoine for them to furnish a lot of cypress wood. They were paid liberally in advance, but are delinquent, and soon the vessel will arrive by which the wood should be carried. Let M. L. be cited.

Approved, July 18. Notice served on July 22. Ragged edges.

- July 17, 1739. **Petition in Recovery.** Attorney D'Auseville, recalling the action of Mr. Gerard Pery in February, 1738, to seize the funds belonging to the estate of the late George Amelot, urges a counterclaim of 866 francs+, due for salary of G. A. Filed, and communicated to G. P. on July 22, 1739. Stained.  
 3pp.  
 No. 39<sup>138</sup>.  
 See 38<sup>29</sup>,  
     39<sup>122</sup>,  
     39<sup>139</sup>,  
     39<sup>238</sup>.
- July 20, 1739. **Maritime Account Contested.** Mr. Gerard Pery, both in his own name and as former partner of late Mr. De Coustilas, presents a detailed list of strictures on Attorney D'Auseville's version of Amelot account. In sum, G. P. should have D'A. nonsuited; and G. P. insists on his own claim of 1164 francs, 8 sous, against Amelot estate.  
 6pp.  
 No. 39<sup>139</sup>.  
 See 39<sup>138</sup>,  
     39<sup>142</sup>.  
 No note by Court.
- July 21, 1739. **Petition in Heifer Suit.** Attorney D'Auseville shows that on November 17, 1736, Joseph Chaperon was to turn over to the St. Julien estate two heifers, aged 18 months each, in compensation for a negro girl, who is now a fine piece of property. Chaperon has variously excused himself; he was not the attorney's lackey to drive those animals to town; again, they were marooning, or they must first be slaughtered, or C. had no heifers of that age, but would furnish a large fat cow. To this, Mr. D'A. agreed, and sent Caron after the cow. Chaperon was absent, and Caron went again; only to be fooled with a very old cow, so lean that she could scarcely stand.  
 3pp.  
 No. 39<sup>140</sup>.  
 See 39<sup>1506</sup>.  
 Let Chaperon be cited, and Caron as witness.  
 Approved.
- July 21, 1739. **Petition in Redress of Losses.** Jacques Larche refers to a ruling (not at present apparent among these records) dated Sept. 1, 1736, permitting them to settle for three consecutive years from date of November 1, 1736, on the land grant, then fallen into decay, of the late Mr. D'Artaguet. On March 20, 1738, Mr. Marcarty, new proprietor, evicted the petitioner with unsparing severity, causing both dire inconveniences and much loss to petitioner. Action of recovery besought and approved. Notice to Mr. Marcarty, July 25. (Good script, but faded and worn.)  
 3pp.  
 No. 39<sup>141</sup>.  
 See A 34<sup>16</sup>.



July 23, 1739. **Maritime Account Defended.** Attorney D'Auseville, in review of a tabulated statement of the late Amelot's affairs with Mr. De Coustilha and parties interested in the packet "St. Jean Baptiste," pleads that Mr. Amelot's salary account of 866 francs+, is entirely due to his heirs, and would so be accorded in every Court of Admiralty.

July 25, 1739. **Maritime Account.** Mr. Larche Grand Pre, to Mr. Banco Piemont, Dr.

3pp.  
No. 39<sup>142</sup>.  
See 39<sup>139</sup>,  
39<sup>157</sup>.  
For itemized list of goods from cargoes of "La Marie Françoise" and "La Reine de Anges."

Total bill.....3777 francs +  
2264 francs +

1512 + (net)  
40

1472 + (net) final

Received in pertries..... 457 francs +  
Item, in money orders.....1806 francs +

2264 francs +

La Rochelle,  
July 26, 1739.  
2pp.  
No. 39<sup>144</sup>.  
**Letter of Fleury to P. Rasteau.** Concerning remittance of certain credit in supplies, but not in money or drink, to Sieur Gautier, Colonial Soldier. If he is "good" enough to obtain a certificate of character from Monsieur de Bienville, Gautier's parents will grant him a further allowance yearly.

July 28, 1739. **Petition of Recovery.** "The Spouse of Belhumeur" gave one of her workmen, about 10 days ago, a note of 25 francs, in error for one of 5 francs, to buy melons of Cristina. Not only does Cristina partly refuse to rectify the mistake, but his wife has insulted the petitioner. C. is willing to refund one-half; let him be cited to return the note in full. Worn and faded notice.

July 29, 1739. **Petition of Recovery.** Marine Treasurer De Lapommerais claims 1548 francs against estate of late Mr. de Coustillas. Let Mr. D'Auseville, attorney, be cited to pay this claim as preferred credit. Ragged edges.

1p.  
No. 39<sup>146</sup>.  
See 39<sup>150</sup>18.

- July 13, 1739. **Court Summons.** Sheriff Le Normand notifies Attorney D'Auseville to appear in the suit pending between Mr. Gerard Pery and estate of late Mr. de Coustillas, at 9 a. m. tomorrow.  
1p.  
No. 39147.  
See 39142, 39148.
- Aug. 1, 1739. **D'Auseville for Amelot Estate vs. Gerard Pery.** Case referred to Councillor Raguet, whose report will be submitted to the Attorney General.  
2pp.  
No. 39148.  
See 39147, 39149.  
August 4. Attorney D'Auseville is so advised and instructed. Faded.
- Aug. 1, 1739. **Gerard Pery vs. D'Auseville, Attorney for Estate of Late de Coustillas.** Case referred to Councillor Raguet, who will return his report to the Attorney General.  
2pp.  
No. 39149.  
See 39148, 39150, 39152.  
August 4. Consequent instructions to Attorney D'A.  
August 12. Further notice to Attorney D'A. His answer is practically illegible, owing to faded ink and indistinct script. Edges torn.
- Aug. 1, 1739. **Decisions in Sundry Suits.**  
6pp.  
Obliterated.  
See 39136, 39190.  
39140.  
39135.  
39103.  
3998.  
3997, 39150.  
39102.  
3996.  
3995.  
39100.  
39101.  
3999.  
39146.  
39145.
1. DuBreuil *vs.* Moreau and Lemoine. For the plaintiff. 39190, 39137.
  2. (Blank).
  3. Piemont *vs.* Lemoine and Moreau. Too dim for decipherment.
  4. Gauvain *vs.* Moreau and Lemoine. For G.; seizure sustained.
  5. Larche *vs.* Moreau. Not worth tracing.
  6. D'Auseville, for St. Julien Estate *vs.* Chaperon. C. shall furnish the heifers in question, or else pay 200 francs.
  7. Madame Larche veuve Busson *vs.* Aufrere. D'Auseville for St. Julien estate. Further pending.
  8. Further pending.
  9. Claim allowed to plaintiff *vs.* Roquaucourt.
  10. Claim allowed to plaintiff *vs.* Langevin.
  11. Claim (note) allowed to plaintiff (T. Chanfret.)
  12. Claim allowed to plaintiff *vs.* Rablot.
  13. For T. C.
  14. For T. C.
  15. For T. C.
  16. For T. C.
  17. For T. C.
  18. For plaintiff (1548 francs +).
  19. Madame Belhumeur *vs.* Christina. Madame nonsuited.
  20. See 39149.
  21. Lavergne: deed of gift confirmed.
  22. Ducoder: deed of gift confirmed.

- Aug. 4, 1739. **Letter of Dechaiseaux to Rasteau.** Altogether  
La ———. surprised and by no means pleased to have no  
1p. news in regard to a certain commercial package  
No. 39<sup>151</sup>. which writer gave to late Laserre three years  
See 39<sup>117</sup>. ago. If Mr. R. is unwilling to negotiate, writer  
will turn to some other friend. Goods were  
sold to R., it appears, by Mr. Renaud.
- Aug. 4, 1739. **Plea for Rectified Accounting.** Attorney D'Ause-  
ville calls for certain data which Mr. G. Pery  
1p. ought to have submitted before tendering his  
No. 39<sup>152</sup>. demands against the estate of the late Mr. de  
See 39<sup>149</sup>. Coustilhas. Communicated to Mr. Pery.  
39<sup>170</sup>.
- Aug. 4, 1739. **Succession of Jacques Bigot.** Nuncupative will  
(13877) of Sr. Jacques Bigot, made in his house, op-  
posite Caron, the butcher, where the Notary  
Royal found him quite ill in bed, but sane of  
mind. He named his friend Joseph Carriere  
as executor and wished that he be tutor to the  
minor heirs, three children whom he has adopted.  
They have neither father nor mother and he  
leaves them all that he has acquired in this  
colony, to enjoy possession of same as soon as  
they shall be of age. This being his last will,  
he declares, all others, if any should be found,  
to be null and void. He has some property in  
Three Rivers, Canada, which he has left to his  
brother, Jean Baptiste Bigot, as well as what  
might come as an inheritance from their par-  
ents in France.  
Signed: "Jacques Bigot," "Beaudoin,"  
"Joseph Carriere," "Ferchaud," "Henry," No-  
tary. 3½ pp. Stained but perfectly legible.
- Oct. 23, 1739. **Demand of Attorney General of the King for**  
(13876) homologation of will of Sr. Jacques Bigot and  
for inventory of his estate which he leaves by  
will to three minor children in his house.  
Signed: "Fleuriau."
- Oct 23, 1739. **Petition to Mr. Salmon, Intendant, Commissary**  
(13915) of the Marine and First Judge of the Superior  
Council, for affixing seals on effects of Sr.  
Jacques Bigot, deceased on the 22nd inst.  
Document covers three pages and is signed by  
Henry alone, the other signatures being in his  
hand; it is evidently a copy.



- Oct. 23, 1739. **Inventory of Movables and Immovables** of succession of Sr. Jacques Bigot taken by Sr. Bobé Desclozeaux, in the presence of the Attorney General of the King, of the Clerk of the Council, the Sheriff, and Joseph Carriere, executor of said estate and Mrs. Valade who was found in the house, who swore that nothing had been taken away nor secreted. Inventory covers 2pp. and is signed by Joseph Carriere, Fleuriau, Lenormand and J. B. Bobé Desclozeaux.  
(13874)
- Oct. 24, 1739. **Petition for Raising of Seals of Bigot Succession** by Sr. Joseph Carriere, executor and for inventory, etc. 8pp.; a copy signed only by Henry, clerk of the Council.  
(13920)
- Oct. 24, 1739. **Inventory Covering Enumeration, Description and Appraisement** of movables and immovables of succession of Sr. Jacques Bigot on petition of Joseph Carriere, executor of said estate by Jean Baptiste Bobé Desclozeaux in the presence of the Attorney General of the King, of the Sheriff, the Clerk of the Council, Joseph Carriere and Mrs. Valade, who was in the house. Document covers 4½pp.; stained but legible. It is signed: "Joseph Carriere," "Fleuriau," "Lenormand," and "Bobé Desclozeaux." Mrs. Valade remained in charge of what was in the house and promised to produce said effects when so required.  
(13869)
- Oct. 28, 1739. **Petition to Superior Council** by Joseph Carriere, as executor of Bigot succession and tutor of minor heirs for permit to sell effects and lease some of the negroes to obtain better returns, and also on account of lack of funds.  
(13928)  
a copy.  
Permit granted on usual conditions by Salmon.
- Oct. 29, 1739. **Sale of Flour, Kitchen Utensils, Bottles, Shoes, Clothes, Furniture, etc., at auction**, for the sum of two hundred and ninety-six livres and costs.  
(13929)  
Signed: "Henry," Clerk.
- Oct. 29, 1739. **Sale at Public Auction** of furniture of deceased Jacques Bigot on order of M. Salmon following petition of Sr. Joseph Carriere, executor of said estate. (Several pages missing—only first and last page remain.) On last page receipt signed by Joseph Carriere for returns of sale.  
(13865)  
(2725)

- (No date) (13898) **Account Rendered** by Sr. Joseph Carriere, executor of estate of Jacques Bigot as tutor of minor heirs of said estate. Statement covers four pages signed by "Joseph Carriere," counter-signed "Lenormand."
- Oct. 31, 1739. (13903) **Will of Jacques Bigot**, a Canadian, established in New Orleans, who died Oct. 22, 1739, and homologation of same on date of Oct. 31, 1739, on demand of Sr. Fleuriau, Attorney General of King. 3pp. Signed: "Henry," Clerk.
- Nov. 3, 1739. (13902) **Statement of Costs** of court for succession of deceased Jacques Bigot amounting to 96 L. for which Henry, Clerk of Council, tenders receipt to Sr. Joseph Carriere who has paid at sight.
- Dec. 21, 1739. (13883) **Petition to Superior Council** by Joseph Carriere for permit to hire out for two years two negroes of Bigot estate in order to pay the Company to which a sum of 714 L. is due, it being to the interest of the heirs to liquidate said indebtedness. Signed: "Joseph Carriere."  
Permit to lease at auction for stated time, after observing required formalities. Signed: "Salmon."
- Dec. 27, 1739. (13881) **Conditions** on which lease of negroes of Bigot succession will be adjudicated and adjudication of three negroes to Sr. Carriere for 430 L. and costs for first year. Signed: "Joseph Carriere," "Fleuriau" and "Lenormand." 2pp. edges torn.
- Dec. 27, 1739. (13884) **Adjudication of Lease of Negroes** named Jasmin and Janir for two years on conditions aforementioned to Sr. Joseph Carriere. Signed by Francois Roumier, Lenormand, Jahan and Joseph Carriere.

1740-41-42.

**List of Vouchers Inclosed in Statement Presented by Sr. Joseph Carriere in Settlement of Estate of Sr. Jacques Bigot.**

- April 16, 1720. (13895) **Certification by Bonnaud**, former Guard of the Stores of the Company of the West of New Orleans that Sr. Bigot has paid for all merchandise delivered to him up to date.
- (13897) **Receipt** for 980 L. from Mr. Pellerin, general store-keeper from Jan. 11, 1729 to April 25, 1730.
- Sept. 24, 1731. **Acknowledgment** by General Book-keeper that Mr. Bigot has paid the sum of 980 L. which he has placed to his credit in the account of his indebtedness to the Company.

- Sept. 26, 1731. **Copy of Receipt** which has been turned over to General office, for one hundred and sixty-two livres paid by Mr. Bigot on account of what he owes the Company. This copy is signed by "Prevost" and "Jen Macmahon."  
(13896)
- March 28, 1740. **Receipt** from Sr. St. Xavier, Religse to Sr. Carriere for the sum of twenty-one livres due to Hospital on work which he did not finish.  
(13893)
- Sept. 20, 1742. **Acknowledgment** signed by "Caron," butcher, that he killed a cow belonging to Bigot succession, said cow weighed 220 lbs., worth 72 L. which he remitted to Sr. Carriere, less 12 L. which he paid to Marie Francoise Aubert, now wife of Jean Veillon, for a pair of shoes, which certificate he made to serve said Veillon as need be.  
(13906)
- July 26, 1741. **Funeral expense in detail** and expenses for Bigot heirs, amounting to 90 L 10 S.  
(13894)  
Signed: "Joseph Carriere."
- March 9, 1742. **Petition to Superior Council**, by Joseph Carriere for settlement of returns of Bigot succession, and division among heirs, Jean Veillon to be tutor of his minor brother in law, thereby giving said Carriere full discharge from further responsibility. Signed by Jahan "Joseph Carriere."  
(13900)
- Order to Submit to Attorney General of the King.** Signed: "Salmon."  
(13900)
- March 9, 1742. **Consent of Attorney General** to provisional division without the right to sell nor alienate and let accounts be rendered, in order to give discharge. Signed: "Fleuriau."
- March 12, 1742. **Proces verbal of meeting** of relatives and friends of minor heirs of Jacques Bigot, deceased, reporting election of Jean Veillon, brother in law of the minor heirs and homologation of said election on his acceptance on his oath. Signed: "Nicolas Judice," "Le Gros," "Poisat," "Laurant Lerable," "Fleuriau," "Salmon."
- Aug. 5, 1739. **Memorandum of Account.** Larcheveque to Ferchaud estate, Dr. Hire of house, as agreed on July 4, 1739, for term dating from June 1, 1739 to Nov. 16, 1739: 5½ months at 120 francs a year.  
1p.  
No. 39<sup>153</sup>.  
See 39<sup>182</sup>.



55 francs.  
 Other items, 9 francs and 6 sous.  


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 64 francs and 6 sous.  
 Sassafras item was mostly paid 64  
 Item, L. Dr., Haran estate account 76 francs.  


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 140 francs.

Attorney D'Auseville certifies to this extract  
 from books of Ferchaud and Haran.

La Rochelle,  
 Aug. 6, 1739.  
 2pp.  
 No. 39<sup>154</sup>.  
 See 38 <sup>151</sup>,  
 D 41<sup>60</sup>.

**Letter of Guinot to Rasteau.** Has no answer  
 concerning those little funds of Mr. Mirande's.  
 Mr. M. is returning from Guinea without a  
 cargo, and needs his money. "Civilities" to  
 Mr. Piedmon, and tell him the canaries were  
 not sent because of mortality among those birds  
 this year.

Aug. 6, 1739.  
 (11872)

**Inventory of Effects,** silverware, papers, negroes,  
 cattle, etc., owned by estate of Claude Trepag-  
 nier and his wife, Genevieve Burel, late Mrs.  
 Lassus Marsilly. Inventory taken by Bobe  
 Desclozeaux before witnesses appointed, and  
 appraisal made by Srs. St. Martin and Du-  
 breuil, experts, appointed for that purpose, in  
 order that property acquired during her mar-  
 riage to Trepagnier and that acquired during  
 her marriage to Lassus Marsilly may be dis-  
 tinctly stated, so that justice may be done to  
 all concerned. (A copy).

Document covers 26pp. in good condition.  
 She is often called Elizabeth Burel as well as  
 Genevieve.

Aug. 6, 1739.  
 (11852)

**Inventory of Effects** and property of Elizabeth  
 Burel, first married to Claude Trepagnier and  
 at the time of her death, wife of Lassus Marsilly.  
 This document is a duplicate of the one on P.  
 11872. It covers 20pp. in beautiful script.

Aug. 17, 1739.  
 Slip.  
 No. 39<sup>155</sup>.

**Receipt.** Chevalier De Querhovie has received of  
 Mr. Henry for Mr. Long Pré the sum of 1287  
 francs, 8 sous, 9 farthings; residue of a note for  
 1299 francs. Charred.

Aug. 19, 1739.  
 1p.  
 No. 39<sup>156</sup>.

**Petition of Recovery.** Pierre Delille Dupare  
 claims 187 francs and six sous from Mr. "De  
 Coustias" for provisions and shoes.

Referred by Judge Salmon to Attorney D'Auseville, who advises precaution of oath, which Judge Salmon accepts, and orders payment of claim, less debit item of 7 francs against Dupare.

- Aug. 22, 1739. **Petition of Recovery.** Attorney D'Auseville supplements his claim of 866 + francs on salary account of the late George Amelot, by the claim of 523 francs + for outstanding bill of goods, likewise chargeable to Mr. Gerard Pery. Memorandum is quoted by way of Mr. Aquart of Martinique. Let this new charge be included, forming total of 1390 francs (treize cents nonante livres).

Ordered filed: Salmon.

- Aug. 28, 1739. **Petition to Superior Council.** by Jaffre and Ricard for permit to sell shallop owned in partnership. Signed: "Jaffre," "Ricard." Sale allowed upon compliance with usual formalities. Signed: "Salmon."

- Sept. 1, 1739. **Succession of Mrs. Genevieve Burel**, widow by first marriage of Claude Trepanier and by second marriage of Lassus Marsilly. The surviving husband petitions Superior Council for authority to sell all community property of his marriage to his deceased wife, in order to partition same and avoid difficulties between co-heirs. Signed: "Lassus Marsilly."

Sept. 4. Order for sale after complying with required formalities.

- Sept. 1, 1739. **Petition of Recovery.** Messrs. Deschavannes and La Courbe alias Vignon contracted with Moreau and Lemoine for supplies, and building of a boat, and paid about 1200 francs on account. Since M. and Lemoine prove delinquent, let them be cited.

- Sept. 1, 1739. **Petition of Recovery and Medical Dissertation.** Surgeon Bernard Alexandre Vielle, correspondent of Royal Academy of Sciences, claims a bill of 200 francs and a further professional account against Mr. Mathieu, indigo grower. The Surgeon enters into a description of the patient's excruciating ailment, a nodus on one of his legs, requiring prolonged recourse to opiates for the repose of himself and his neighbors at night. Hippocrates is also cited on the wisdom of collecting a bill while the pain is quick: accipe dum dolet, quia sanus solvere nollet.

**SUCCESSION OF HUBERT HARANT, 1739-1740.**

- Sept. 3, 1739. Sr. Amyault D'Auseville, Attorney of Vacant Es-  
(13534) tates, announces to Superior Council death of Sr. Hubert Harant, and as he has died intestate petitions that an inventory be taken of effects of said Harant and seals be affixed thereon. Following said petition Jean Baptiste Claude Bobé Desclozeaux, Commissary of the Marine, accompanied by the Attorney General of the King went to the house of Jaffre where said Sr. Harant died and proceeded to take an inventory of effects of said deceased. Signed by Fleuriau, D'Auseville, Jaffre, Lenormand and Bobé Desclozeaux. 3pp. badly stained and edges torn.
- Sept. 3, 1739. **Protest** against sale and division of returns of said  
(13537) succession by following creditors, each protest signed individually and by Chief Clerk of Superior Council: Poisat, Lassus Marsilly, Pradel, Macarty, P. Lefebvre, Daunnaisy, Cariton, J. Bancio-Piemont, each counter-signed "Henry," Clerk. 5pp. badly stained and edges torn.
- Sept. 7, 1739. **Petition to Superior Council** by Dreux Brothers  
(13531) to be allowed to settle succession of Hubert Harant, their first cousin, who died suddenly and without settling his affairs in order. After inventory taken they are willing to settle said succession so that after debts are paid, remainder may be turned over to Harant's two sisters. Signed: "Dreux," "M. Dreux."
- Sept. 7, 1739. **Order to Communicate Aforesaid Petition** to  
Attorney General of the King and to Attorney of Vacant Estates for them to decide thereon. Signed: "Salmon."  
(13532) **Decision** that said succession be settled by Attorney of Vacant Estates, Amyault D'Auseville, that Sieurs Dreux, in the interest of the heirs, be summoned to be present at the taking of the inventory. Signed: "Fleuriau."  
Approval of above decision signed by Salmon.
- Sept. 9, 1739. Sr. Bobe Desclozeaux, accompanied by Attorney  
(13572) General and Clerk of Council, takes inventory and proceeds to enumeration, description and appraisement of all movables and immovables of succession of deceased Hubert Harant. Covers 31pp. Signed by Fleuriau, D'Auseville, Bobé Desclozeaux, Jahan, Darby, Lenormand, Dreux, M. Dreux, Henry.



- Sept.  
(No date)  
(13530) **Statement** of costs of court in settling succession of Hubert Harant, merchant of New Orleans, who died intestate, charges bearing the following dates: Sept. 3, 1739; Sept. 7, 1739; Sept. 11, 1739, Oct. 13, 1739; Total: 332 L.
- (13571) **Bill Against Sr. Hubert Harant** for merchandise furnished by J. Bancio-Piemont to the amount of 456 L. Dated May 9, 1739. Certified by J. Bancio-Piemont.
- (13556) **Certificate** of Vincent La Fontaine that Mr. Fesant lent 200 L. to deceased Harant to pay for merchandise bought on payment made on July 24, 1739.  
Attestation of truth of above certificate.  
Signed: "Binoud."
- Sept. 17, 1739. (13503) **Statement** presented to M. Marsilly and the heirs of Sr. Hubert Harant, of expenses incurred in settlement of said succession.
- (13533)  
(No date) **Letter to D'Auseville** from D. Troyr, opposing division of returns of succession of deceased Hubert Harant until payment of note for 800 L. signed by said Harant in favor of Mr. de Macarty.
- Sept. 18, 1739. (13544) **Faucon Dumanoir, Agent of Company** of the Indies files claim for 1200 L. against estate of deceased Hubert Harant, due since July 14, 1738, and makes formal demand that sale of property of said estate be made to meet this indebtedness. Signed: "Faucon Dumanoir."
- (13547) **Statement** of sums due by deceased Hubert Harant to various successions. (No signature.)
- (No date)  
(13548) **Petition to Superior Council** by Dreux for payment of balance due on a note given to him by deceased Harant in payment of a negro and merchandise furnished him. Signed: "Dreux."
- Oct. 7, 1739. (13552) **Bill for Physician's Visits** and for medicines furnished amounting to 32 L. Signed: "P. Lefebvre."
- Oct. 13, 1739. (13545) **Sr. Joseph Villars Dubreuil** files claim against Harant succession for merchandise which he furnished and for which he holds signed invoices, wherefore protest against division of returns of said succession among heirs until payment of aforesaid debt. Signed: "Dubreuil."
- Oct. 13, 1739. (13564) **Registration** of above mentioned claim of Joseph Villars Dubreuil against succession of deceased Hubert Harant for amount of — for merchandise furnished. Signed: "Henry," Clerk.

- Oct. 13, 1739. (13550) **Sr. Joseph Villars Dubreuil** files claim against estate of Sr. Hubert Harant for payment of two notes amounting to two thousand three hundred and eighty-two livres, eighteen cts. and seven farthings, and protests against divisions of returns of said succession until payment of same. Signed: "Du Breuil."
- Oct. 13, 1739. (13504) **On Demand of Sr. D'Auseville**, Attorney of Vacant Estates, all formalities having been complied with, sale of slaves owned by succession of deceased Hubert Harant at auction. Sale of other movables of said succession. Document covers 18½pp. It is water stained and edges are ragged.
- Oct. 17, 1739. (13523) **Following Petition of Sr. D'Auseville**, Attorney of Vacant Estates, for permit to sell three lots situated on the road to Bayou St. John, belonging to succession of deceased Hubert Harant. Notice that sale is to take place on the following Saturday, October 24, 1739, after usual formalities have been complied with. Signed: "Salmon."
- Oct. 17, 1739. (13604) **Following Petition of Sr. D'Auseville**, Attorney of Vacant Estates, sale at public auction of a house in New Orleans belonging to succession of deceased Hubert Harant.
- Oct. 24, 1739. (13605) **Order of Superior Council** for second publication and sale of aforementioned house which did not bring its value at sale of Oct. 17, 1739. Signed: "Salmon."
- Oct. 31, 1739. (13506) **Adjudication of House** situated in New Orleans, belonging to succession of deceased Hubert Harant, to Sr. Prenose for 1500 livres, (second sale). Given in Council Chamber, October 31, 1739.
- Oct. 10, 1739. (13608) **Petition to Superior Council** by Sr. D'Auseville to sell at public auction furniture, merchandise and clothes remaining in house of Sr. Hubert Harant, also a negress and her three children. Signed: "D'Auseville."
- Permit for Sale** on condition of complying with required formalities. Signed: "Salmon."
- Oct. 11, 1739. (13609) **Decree of Council** ordering sale of lot and house thereon, situated in New Orleans, and of three lots on the road to Bayou St. John, payment to be cash. Signed: "Lenormand."
- Oct. 18, 1739. (13610) **Notice by Superior Council** that sale of Oct. 11 will be repeated on October 24, 1739. Signed: "Lenormand."

- Third Notice to the Public** that sale of lot and house in New Orleans and of three lots on road to Bayou St. John will take place on October 24, 1739. Signed: "Lenormand."
- Oct. 17, 1739. **Petition by Sr. D'Auseville** to repeat sale of three lots on road to Bayou St. John, belonging to Harant succession. Permit to effect said sale signed: "Salmon."  
(13523)
- Oct. 24, 1739. **Sale of Aforesaid Lots** at public auction, the lots bringing but 300 L. The Council orders renewal of sale and publication. Signed: "Salmon."  
(13524)
- Oct. 31, 1739. **Adjudication of Three Lots** situated on Bayou St. John, belonging to succession of deceased Hubert Harant to Sieur Piquery for the sum of three hundred and sixty livres. Given in the Council Chamber October 31, 1739.  
(13525)
- |                           |    |
|---------------------------|----|
| Costs: For the Judge..... | 27 |
| For the King.....         | 18 |
| For the Clerk.....        | 28 |
| Total.....                | 73 |
- Nov. 20, 1739. **Sewed with Preceding Documents.** Receipt to Sr. Piquery, the King's Baker, for the sum of three hundred and sixty livres, the price paid for three lots situated on Bayou St. John, belonging to succession of deceased Hubert Harant. Signed: "D'Auseville."  
(13527)
- Oct. 31, 1739. **Homologation of Above Sale** to Piquery of three lots on Bayou St. John, New Orleans, Signed by Piquery, Raguet, Le Normand, Salmon, Fleuriau, Bobé Desclozeaux.
- Oct. 31, 1739. **Adjudication of House** belonging to estate of deceased Hubert Harant, situated in New Orleans, to Sr. Prevost for the sum of 1500 livres and costs.  
(13611)
- Signed: "Prevost," (invested with power of attorney); "Salmon," "Fleuriau," "Raguet," "Bobé Desclozeaux."
- April 21, 1740. **Renunciation** of Jean-Baptiste Prevost to half a lot and house situated thereon, in city of New Orleans, in favor of Francois Caue. Signed: "Caue," "Prevost."
- Aug. 27, 1740. **Petition to Superior Council** by D'Auseville, Attorney of Vacant Estates, for citation of creditors of Hubert Harant's succession before Council, as the said creditors are opposing division of returns of said succession. Signed: "D'Auseville."  
(13553)



Nov. 30, 1740. **Judgment Rendered by Council** in favor of Sieurs Pradel, La Pommeraye, Dubreuil, La Liberte, Prosa, Le Feure, Dumanoir, Ganum, Cariton, Piemont, La France, Ferrant and others *vs.* Sieur D'Auseville as executor of succession of deceased Hubert Harant, the said succession to bear costs.

Given in the Council Chamber November 30, 1740.

"Taxed twenty livres for present decree."  
(End of Harant Succession.)

Sept. 4, 1739. **Petition to Superior Council** by heirs of Claude Trepagnier and Elizabeth Burel for permit to sell lot and buildings thereon situated opposite Capuchins. Signed: "Dalcour," "Bernard Alexandre Vielle," "Macarty Mactigue," "Jos. Carriere," "Ignace Trepagnier," "Francois Trepagnier," "Lassus Marsilly."

Sept. 4, 1739. **Petition to Superior Council** by Sr. Macarty, acting for his wife Francoise Trepagnier, daughter of Claude Trepagnier and Elizabeth Burel, afterwards married to Lassus Marsilly; now deceased, asking for citation of Sr. Lassus Marsilly, for recovery of plantation, which he held in community with said Widow Trepagnier, and on which large sums were expended by her, for saw mill and other necessities, which expenses should be deducted from his share and the amount divided between the heirs.

Citation issued by Judge Salmon.  
(No signatures.)

Sept. 4, 1739. **Notice of Citation** served on Sr. Lassus Marsilly and copy of above petition left with him by Sheriff.

Signed: "Le Normand."

Sept. 4, 1739. **Petition to Sell Plantation.** Mr. Macarty, husband of Dame Trepagnier, daughter of late Claude Trepagnier and Dame Genevieve Bunel, afterwards married to Mr. Joseph Lassus de Marsilly, moves for the citation of Mr. Marsilly with reference to selling the conjugal property, which he acquired only in part by his own contribution; so that the proceeds may become equitably divided. Action allowed.

2pp.  
No. 39<sup>160</sup>.  
See 39<sup>162</sup>.

Sept. 5, 1739.

2½ pp.

No. 39<sup>161</sup>.See 39<sup>159</sup>.**Decisions in Sundry Suits.**

1. Bernard Alexandre Vielle *vs.* Mathieu. For plaintiff (200 francs).
2. Effaced.
3. Effaced.
4. Too pale for tracing.
5. DeChavannes and La Courbe *vs.* Moreau and Lemoine. (Apparently for plaintiffs.)
6. Effaced.
7. Macarty suit adjourned. Extinct.

39<sup>158</sup>.39<sup>160</sup>, 39<sup>162</sup>,  
39<sup>234</sup>.Sept. 5, 1739.  
(11969)

**Excerpt from Registers** of Superior Council on date of Sept. 5, 1739, in suit of Sr. Macarty *vs.* Lassus Marsilly, presented on 4th inst. for plantation to be listed with property owned by estate of deceased Claude Trepagnier, to be sold and divided among his heirs and those of his wife Elizabeth Burel, wife of Lassus Marsilly at the time of her death. Council postpones hearing until Monday, (no date) at nine o'clock in the morning. Signed "By the Council." "Henry," clerk.

Sept. 7, 1739.  
(11989)

**Notice Served** on persons interested in above suit to appear before Council on this day at 10 o'clock in the morning. Copy left of above notice.

Signed: "Le Normand."

(11990)

(No date)

**Marked "Conclusions."** Sr. Macarty, plaintiff *vs.* Sr. Marsilly, defendant.

**Petition** that it please the Court to reject demand of Sr. Macarty and in consideration of the justifying proofs to order that Sr. Marsilly continue in peaceful possession of his plantation as property belonging to him separate from the community that existed between himself and his deceased wife, Widow Trepagnier.

Signed by Marsilly and Jahan. See (11993).

Sept. 7, 1739.  
(11993)

**Petition to Superior Council** for permission to Sieur Jahan to answer for Sr. Lassus Marsilly in this instance against Sr. Macarty, as it would be prejudicial to Sr. Lassus' rights for for him to do so personally.

Signed: "Lassus Marsilly."

- Sept. 7, 1739. **Decisions in Two Suits.**  
 2pp.  
 No. 39<sup>162</sup>.  
 See 39<sup>160</sup>.  
 1. Widow Dupart against Swiss Officer ——. Further in process.  
 2. Macarty suit. Sale ordered with reference to property division thereafter.
- Sept. 9, 1739. **Petition to Recover Slave.** Pierre Millon, brother-in-law of minor Joseph La Prade, moves for the restitution of a negro slave now detained by Madame veuve Pradel, who has flitted to new nuptials. The slave, as it would appear, belongs by right to said minor.  
 2pp.  
 No. 39<sup>163</sup>.  
 See 39<sup>1934</sup>.  
 Referred to the Attorney General, who orders the citation of Widow Pradel.  
 Wretchedly soiled, and most irksome to decipher.
- Sept. 11, 1739. **Petition of Recovery.** Mr. Gerard Pery 3894 francs, 18 sous, from Sieur DeChavannes, as shown by notes.  
 4pp.  
 No. 39<sup>164</sup>.  
 See 39<sup>1937</sup>.  
 Action forward.
- Sept. 14, 1739. **Petition of Recovery.** Mr. Gerard Pery claims 11220 francs from Aufrere, due on his notes, and this irrespectively of other accounts between these practiced grabbers.  
 3pp.  
 No. 39<sup>165</sup>.  
 See 39<sup>1935</sup>.  
 Action forward.
- Sept. 14, 1739. **Petition of Recovery.** Mr. Gerard Pery sues Antoine Aufrere for two outstanding drafts; particulars indistinct.  
 3pp. No. 39<sup>166</sup>.  
 See 39<sup>165</sup>, 39<sup>179</sup>, 39<sup>1933</sup>.  
 Action forward.
- Sept. 15, 1739. **Petition of Recovery.** Antoine Aufrere is the bearer of sundry notes against the late St. Julien, "composing" the sum of 1386 francs. Let Attorney D'Auseville be cited to receive these notes among accounts of St. Julien estate, and as offsetting petitioner's debts thereto.  
 2pp.  
 No. 39<sup>167</sup>.  
 See 39<sup>135</sup>, 39<sup>178</sup>.  
 Action forward.  
 Dirty ink, in the vanishing stage.
- Sept. 15, 1739. **Petition Under Marriage Contract.** Francois Darcy, spouse of Catherine Fontaine, claims the sum of 6207 francs from her stepfather, one Empilleur, and refers to marriage contract and inventory.  
 3pp.  
 No. 39<sup>168</sup>.  
 See 39<sup>1936</sup>, C40<sup>196</sup>.  
 Action allowed, Sept. 17, and notice served (and effaced), on Sept. 22.



- Sept. 20, 1739. **Memorandum of Account.** Ferchaud to Cariton, 1p.  
 No. C39<sup>12</sup>. Dr. Items of tailoring; total 120½ francs. Sub-joined particulars on commercial paper, not very clear to the uninitiated.  
 Amount of transactions, 1876½ francs.
- Sept. 24, 1739. **Contract of Lease.** Francois Noyon, owner of a plantation at Cannes Bruslees, lets out the same to Mr. Urbain Picou for a term of three years from past September 15, at 1200 francs yearly, payable at end of each year. Mortgage security.  
 No. C 39<sup>33</sup>.
- Sept. 25, 1739. **Petition to Take Inventory.** Mr. Raymond Amyault D'Auseville was named executor for Mr. Ferchaud, now dying. Since Mr. F. came to this colony only to avoid the pursuits of his creditors, let a simple inventory be prepared, for economy of costs. Approved: Salmon.  
 1p.  
 No. C 39<sup>13</sup>.  
 See 39<sup>188</sup>,  
 C 39<sup>14</sup>.
- Sept. 25, 1739. **Motion to Seal Property.** Attorney General Fleuriau notes the death of Jan Ferchaud, tradesman of Bordeaux, who settled in this town about 14 months ago. He leaves a wife and several children at Bordeaux, and some creditors. Let seals be placed on his property, and an inventory be prepared.  
 1p.  
 No. C 39<sup>14</sup>.  
 See C 39<sup>13</sup>,  
 C 39<sup>23</sup>,  
 C 41<sup>4</sup>,  
 D 41<sup>59</sup>.  
 Approved: Salmon. Mr. Bobé Desclozeaux shall preside over the proceedings.
- Sept. 26, 1739. **Petition to Sell Real Estate.** Antoine Patin alias Belair, settler at Pointe Coupee, has a house and site in this town; which property lapses into decay for want of tenant. In view of his debts, he asks leave to sell the said house and site.  
 1p.  
 No. 39<sup>169</sup>.  
 Approved, subject to usual advertisements.  
 Sheriff Le Normand reports, no opposition.  
 Partly torn.
- Sept. 26, 1739.  
 (11902) (Sewed to above document): Following petition of Sr. Joseph Lassus de Marsilly as widower of Dame Claude Trepagnier; born Elizabeth Burel; of Ignace and Francois Trepagnier, her sons; of Joseph Carriere, acting for his wife, Marguerite Trepagnier; of Jean de Macarty Mactigue, acting for his wife, Barbe Trepagnier; of Bernard Alexandre Vielle, in name of his wife, Marie Anne Trepagnier, and as curator of his sister-in-law, Ursule Trepagnier; of Madam Genevieve Trepagnier, widow of Sr. Vaubery; all whom are co-heirs of deceased Claude Trepagnier and his wife Elizabeth

Burel, sale before Judge Salmon, of lot and two small buildings thereon, situated opposite the RR. Capuchin Fathers. The buildings are on the ground, with shingle roofs and finished in boards on the outside and in brick on the inner side. At auction property brought an offer from Sr. Maxent for 5000L. which being under value, act was passed of his bid and a renewal of publications and licitation ordered by Intendant Salmon, on Oct. 10, 1739. Signed: "Salmon."

Oct. 10, 1739. **Sale of Above Mentioned Lot** and buildings opposite Capuchins, bid in by Sr. Daunoy at 6000 L., which being under value act was passed of his bid and renewal of sale ordered to take place 24th inst.

Signed by Salmon, Fleuriau, Bobe Des-clozeaux.

Sept. 27, 1739. **Maritime Accounting.** Attorney D'Auseville elaborates a patient and incisive review of the shipping business between late Mr. de Coustillas and Mr. Gerard Pery. It requires a trained accountant to grasp the essential data in their net bearings: be it sufficient to note the Attorney's resultant claims. To-wit, let the Council sentence G. P. to pay 4125 francs in balance debit, together with 216 francs, for his fourth of the salary due to late Mr. Amelot; plus interest and costs; unless the Council prefer to call for an account from G. P., dating from 24 November, 1736; withal voiding notes of de C. in favor of G. P. alone. Communicated to G. P.

Sept. 27, 1739. **Maritime Accounting. DeCoustillas Estate.** Mr. Gerard Pery, before presenting his accounts proper, charges Attorney D'Auseville with seeking, "as usual," to debilitate a cause by the languishing process of labyrinthine quibbles. Mr. Pery, on the other hand, hits the nail on the head (by pounding over and over again the same focus). His net claims are: let Mr. D'Auseville pay G. P. the sum of 12318 francs +; and no prejudice to his one-fourth interest in the St. Jean Baptiste. No note by Council.

Sept. 28, 1739. **Court Notice.** Sheriff Le Normand communicates Attorney D'Auseville's papers in connection with the Coustillas estate to Mr. Gerard Pery, and instructs Mr. G. P. to hand the same to Councillor Raguet.

Sept. 28, 1739. **Court Notice.** Sheriff Le Normand communicates  
1p. No. 39<sup>173</sup>. Mr. Gerard Pery's accounting to Attorney  
See 39<sup>171</sup>, D'Auseville. Original is committed to Coun-  
39<sup>172</sup>. cillor Raguet.

Sept. 28, 1739. **Letter of Bizoton to (—).** Acknowledging let-  
ter and papers bearing on Alevin estate. Power  
Mobile. of Attorney is committed to Recorder Melizan.  
2pp. Various difficulties adduced as touching the  
No. 39<sup>174</sup>. form of allowance proposed for late Mr. Alevin's  
See 39<sup>171</sup>, minor "bastard". Heirs would have it invested  
39<sup>196</sup>. and subject to recall if he die before marriage.  
P. S. Mr. Melizan returns the power of  
attorney, pleading too little knowledge of the  
case.

Sept. 29, 1739. **Remonstrance.** Jacques Vincent Les Prés files  
4pp. complaint and protest against Sieur Charleville  
No. C 39<sup>15</sup>. by reason of the latter's headstrong coercion  
See C 39<sup>54</sup>. of the petitioner in a contract blocked by un-  
avoidable accidents.

Complainant was to deliver a boat load of goods  
in Illinois, and had engaged 13 oarsmen, but  
was then frustrated by bad weather and illness  
of some of the rowers. Mr. C. would hear to  
no arrangements in compromise; but the re-  
monstrant insists on a rational release from im-  
possible conditions.

Oct. 1. Communicated to Mr. C. (or his act-  
ing substitute).

Sept. 30, 1739. **Petition for Binding Contract.** Barthelemy  
1p. Bimont, Company's employé, shows that he  
No. 39<sup>175</sup>. bought a certain lot of ground from Mr. Lassus  
See 39<sup>22</sup>. de Marsilly, and that the Council sustained the  
39<sup>192</sup>. sale by ruling dated July 15, 1735. Mr. L. de  
M. has not fulfilled the contract, and petitioner  
learns that the same property is advertised  
again. He would oppose the sale and recover  
title.

Action allowed and opposition filed. Partly  
faded.

Sept. 30, 1739. **Act of Partnership** between Bertrand Jaffre  
(13542) and Sr. Huraud before Notary Royal. Said  
Bertrand requests that indebtedness of Huraud  
to him to the amount of 500 L. be registered.  
Signed: "Jaffre."

(To be continued.)



## INDEX SPANISH JUDICIAL RECORDS IV.

January—April, 1770.

(Continued from July, 1923.)

Beginning with this installment the Index will follow day by day the work of the Spanish Courts in New Orleans. Where the matter is commonplace the entry will be sufficient to locate the record in the files. In all other cases, discretion will be used, and we will attempt in such instances to give a clear summary of the question involved, particularly when it may be useful historically or important in its particular aspect. At the start in 1770 the Spanish officials were evidently groping and also setting the procedure for the future. This year is further interesting because of complicated legal questions growing out of the change of government.

We have therefore given more space to the statement of the case than we shall give hereafter except in especially interesting cases.

These Spanish records are all of one type, small folios, good paper and usually well written in ink, much of which still preserves its color. These records are really small books, all the papers are sewed together so that everything connected with the case is preserved under one cover,—no matter how long it remained in controversy. Each volume has a title page and begins, as a rule, with the document on which the issue was based, followed by the pleadings, orders, citations, returns, testimony, documents and judgment. The record always closes with a taxation of the costs. It resembles the appellate court transcripts of the present day, differing however, in that it is made up of all original papers.

1770—Jan. 3rd.  
**Dellasis vs. Villefranche.**  
No. 4053. 20 pp.

Suit on judgment of Superior Council before Governor Unzaga and Assessor Odoardo.

This seems to be the first suit brought under the new government. Its object was to enforce a judgment of the late Superior Council of Louisiana and it is valuable as showing the methods of procedure immediately initiated by the Spanish authorities to give effect to the judicial decrees of the previous government. The action was instituted by Elias Hughes in the Governor's Court (Unzaga), setting forth that a judgment had been rendered in his favor by the Superior Council in May, 1769, against Detour and Villefranche, upon which there is a balance due of 17,133 livres, 16 sols, 10 deniers. The petition is in French signed by the petitioner and he asks for execution on the judgment. Hughes departed for France without getting action on his petition and he substituted Nicolas Delasise as agent to collect the debt, the suit is thereafter carried on in the latter's name, but at this point the pleadings change to Spanish. The defendant appeared

in his own name without counsel until toward the end of the struggle when Leonardo Mazange appears as his attorney, the first appearance of counsel in a litigated case. They succeeded in staving off action by the Spanish court until January 8, 1771. In the end Governor Unzaga assisted by Cecelio Odoardo, Assessor, recognized the validity of the judgment of the Superior Council and entered a decree ordering defendant to pay same. Thereafter an order of execution was issued and Villefranche settled the debt with plaintiff's consent by giving plaintiff a bond with Alexander De Clouet as surety. There is a "taxation" of costs at the end of the record, as is usual in all Spanish judicial records.

We hope to make this case the subject of a separate paper in the *Quarterly*.

**1770.**—Jan. 14th.  
**Roussillon vs. Verret.**  
No. 4093. 11 pp.

Suit to collect a note dated March 22nd, 1764, before Alcalde Trudeau and Governor Unzaga. Garic, Notary.

This record is in two parts, one in French begun January 14th, 1770, before Alcalde Trudeau, the other in Spanish before Governor Unzaga, August 30th, 1770. They are not translations, but are two different and distinct proceedings. Part I. begins with a copy of the defendant's note, replacing the original which was re-

turned to plaintiff at the close of the litigation. It is for 172 livres, 10 sols for value received, payable to the order of the Reverend Father Archange. The plaintiff and holder thereof is a surgeon of New Orleans. Alcalde Trudeau orders citation of the defendant, a resident of the German Coast, and failing to appear is pronounced in default and condemned to pay the note either in the old money of the colony, amounting to 690 livres, or 172 livres, 10 sols to which it is now reduced by the order of His Most Catholic Majesty, on that subject. On June 11th, 1770, plaintiff petitions saying that although he has obtained two decrees of condemnation, the debt is still unpaid. He therefore prays for a writ of execution against the estate of Joseph Verret. This petition is sent by the Court to the assessor general for legal advice.

August 30th, 1770. Without any further explanation the suit is begun anew in Spanish, in Governor Unzaga's Court. Dr. Roussillon now declares that Joseph Verret owes him 162 livres, 10 sols, (an incorrect translation of "cent soixante douze") on a note made in favor of Father Archange, who has left the city, and has since died in Cabo Francés. This note has passed into the plaintiff's possession, who therefore petitions that Joseph Verret be summoned before the clerk of the Cabildo to acknowledge the debt, and verify his signature, and that two residents of the city be officially named to certify to Father Archange's signature. Granted. Joseph Verret, under oath, complies with the foregoing order, and Henry Gardrat and Santiago Hallais or Hallays identify Father Archange's signature.

Joseph Verret pays his debt in the presence of the Escribano, who returns the original note to him and Dr. Roussillon receipts for the amount stipulated in the suit. Taxation. Costs, 6 pesos, 6 reales. Dated September 3rd, 1770.

**1770:—Jan. 16th.**  
**Boutet Latime vs.**  
**Carlos Vienne.**  
No. 4009. 4 pp.

Suit to collect a note dated February 1st, 1769, before Governor Unzaga. Garic, Notary.

Claude Boutté Latime, master blacksmith and locksmith, presents a promissary note dated February 1st, 1769, for 127 livres, 10 sols in piastres gourdes, signed Jean Charles Vien (Vienne). He declares that he has tried many times to collect this debt, but without success and therefore petitions the Court to order it paid. Governor Unzaga rules that the defendant must pay.

January 11th, 1771. Plaintiff, through his attorney, Leonardo Mazange, declares that there is still a balance of 67 livres, 10 sols due him on the above mentioned note which he has been unable to collect. He therefore petitions for a writ of execution against the person of the defendant, who has no estate that can be seized. This petition is sent to Dr. Odourdo, Assessor General, for legal advice, who rules that Carlos Vienne must pay the balance of his debt within three days. The record ends here.

**Jan. 16th.**  
**Juan B. Pomet vs.**  
**Adamville.**  
No. 10649. pp. 95252-95295.  
27pp.

Suit to collect a bill amounting to 168 livres, dated February 15th, 1769, before Governor Unzaga. Garic, Notary.

Juan B. Pomet, captain of the polack "The Thetis" of Toulon, declares that he has sold his cargo to those named in a list which he presents, but has not been able to collect the amounts due him. He petitions the Court to order these bills paid without delay. Governor Unzaga orders the debtors to pay immediately or appear before his Court and state their reasons for not doing so. All defendants, with the ex-

ception of Mr. Adamville, settle their obligations.

July 12th, 1770. The plaintiff, through his attorney, Leonard Mazange, presents his bill against Adamville amounting to 168 livres and the notorial act by which he appoints Mazange to act as his agent, and declares that though he has obtained a decree from the Court dated the 17th of last January he has been unable to collect his bill; he therefore petitions for a writ of execution against the person and estates of the defendant to the extent of the debt, the tenth, and costs. The case follows the usual form of Spanish executory proceedings, and on December 6th, 1770, the sheriff (Alguacil Mayor) Santiago Hallays, armed with the writ of execution seizes two notes in favor of the defendant, signed by Carlos Le Conte, one for 200 livres on a bill of exchange, the other for 343 livres in old paper money



of the colony. These notes were deposited with the general receiver. Upon request of the plaintiff these notes are verified by Le Conte, who declares that though the signatures are admitted, the debt is offset by an account he holds against Adamville for 300 livres, for the collection of which he is just about to bring suit. Juan B. Pomet petitions for a writ of execution against Le Conte notwithstanding his claims of offset. The Court orders Le Conte to pay 540 livres due on his notes to Mr. Pomet within three days, who replies by presenting a declaration of Mr. Lagautrais, with his (Le Conte's) indorsement together with a certified copy taken from his books to prove that in 1764 Mr. Adamville owed him a certain sum of money, and gave in payment an order to collect 1278 livres, 5 sols from Mr. Lagautrais, who was his debtor. This order contained a special clause that in case Lagautrais did not pay, Le Conte could come back on Adamville. Lagautrais paid him 1000 livres on account as will appear from the receipt which he signed but he has not paid the balance of 278 livres, 5 sols. He now asks that he be allowed to collect this amount from Adamville, and further petitions that he be summoned to declare under oath that he owes Le Conte the sum stipulated. Adamville answers the summons, denied the whole previous transaction, and says he owes Le Conte nothing. Juan B. Pomet now declares that as nothing can be gained through the Lagautrais-Le Conte transaction, he asks that execution be carried into effect for the payment of 405 livres, 10 sols as appears from the Le Conte notes and an order by the old Council, its tenth and costs. The Court rules that the plaintiff must either be satisfied with the Le Conte notes or discover other property of Adamville to seize. The plaintiff decides to discontinue the case for the present, and asks that the note be returned to him to use at his convenience and that the costs be taxed. Granted. Taxation 27 pesos, 7 reales, dated March 8th, 1771.

Added to this record are two petitions of Juan B. Pomet saying he has discovered other property belonging to Adamville and asks that an Indian woman belonging to Madame Rouville be seized and sold to satisfy the Adamville debt and that the proceeds of the sale be deposited with the general receiver. The Court orders the woman sold to the highest bidder and the amount that she brings held in the depository at the disposition of this Court. The record does not show any further action.

**1770.—Jan. 18th.**  
**Claude Boutté vs.**  
**Luis Populus.**  
 No. 4007. 7 pp.

Suit to collect a note of 355 livres, dated July 5th, 1759, before Governor Unzaga. Garlic, Notary.

Court to order the debt paid. Governor Unzaga rules that Populus must pay his note as the case has already been decided against him,

Claude Boutté, master blacksmith and locksmith, presents a promissory note, dated July 5th, 1759, for 355 livres, signed Populus. Written at the bottom of this note is an order to pay signed Huchet de Kernion, dated August 22nd, 1765. Boutté declares defendant owes him 294 livres, which he has been unable to collect, therefore he petitions the

as appears from a decree signed by Aubry, French Commandant, dated July 1st, 1767.

May 15th, 1770. The plaintiff declares that notwithstanding the orders of the Superior Council, Mr. Aubry and Governor Unzaga, Luis Populus has not paid his note of 294 livres, therefore he prays for a writ of execution against the property of the defendant to the extent of the debt and expenses. Granted. The writ of execution is issued and entrusted to Santiago Hallays, sheriff, who reports to the Escribano that Luis Populus de San Prother said he would pay Claudio Boutté the 294 livres which he owes him, or failing to do so, would assign certain property to be seized, which would be sufficient to cover the debt, but he has neither paid nor surrendered the necessary property for seizure. All the sheriff could succeed in finding was the wages of some negroes hired out, the property of his wife, for which he had only the usufruct. He seized the wages of Miguel and Luizon, his wife, which was being paid to their master, and has notified the lessees that they must pay their wages to the general receiver; this they promised to do.

December (November) 4th, 1771. Juan B. Garic, as clerk of the Cabildo, presents a petition and declares that Claudio Boutet (Boutté) has been prosecuting a suit against Luis Populus, but that all action against the defendant has been suspended because his creditors have entered into an agreement to grant him five years extension of time to meet his obligations on condition that he pay the costs of all suits pending against him. Leonardo Mazange as syndic has collected wages due Luis Populus on the lease of his slaves, so is able to pay these costs, therefore he petitions that all proceedings cease. Granted. Costs amount to 9 pesos, 7 reales. Dated November (December) 29th, 1771.

1770.—Jan. 18th.

**Pedro Clermont vs.**

**Francisco Roquigny.**

No. 10824. pp. 98744-98967.  
127 pp.

Before the Court of Governor  
to collect balance due on  
Vendors mortgage.

Doctor Cecilio Odoardo,  
licentiate, Assessor General.  
Garic, Clerk.

This suit is a good illustration of the practice as conducted immediately after the Spanish occupation. It was instituted by petition filed in the Court of Governor Unzaga, Cecilio Odoardo, Assessor. Leonardo Mazange, attorney for the plaintiff, claims 4,500 livres owed by the defendant since April 11th, 1767, but reduced by order of the Court to 3,000 livres, or 2/3 its value, on the purchase price of real property and slaves, and asks for execution upon

the debt together with the tenth and costs. (The "tenth" is the allowance to the Sheriff for his fees.) The Court orders the act of mortgage to be translated from French into Spanish by Francisco Broutin, official interpreter, (he was the first of a long line in like service). The writ of execution is issued (this is an order of Court not a formal writ) and delivered to the Sheriff's deputy, Santiago (Jacques) Hallays, who proceeds to defendant's plantation at the German

Coast where, in the absence of Mr. Roquigny, he demands payment of Mrs. Roquigny, his wife. She does not pay nor surrender any property to cover the same. The officer therefore seizes the plantation, a small house thereon, and several slaves which he left in charge of Mrs. Roquigny because he could not find any one there to appoint as keeper (depository) but warning her not to surrender the slaves without the permission of the Court.

On August 16th, 1770, Mrs. Cecelia Barré, wife of Francisco Roquigny, intervenes in this suit by Henrique Desprez, whom she appoints as her attorney, praying to be authorized to renounce the community existing between herself and her husband, which is prejudicial to her rights, and setting up her dowry rights of 1000 livres under her marriage contract which she establishes by an extract from the Register of the late Superior Council of Louisiana, dated September 5th, 1761, and claiming also 17,031 livres, 11 sols, 1 denier paraphernal funds received by her husband in the partition of the estate of her father and mother, the late Paul Barré and Jeanne Girardy, his wife. She opposes the seizure (Embargo) levied by the plaintiff, Clermont, and asks for a separation of property from her husband, and that he be cited and condemned to pay her the two sums aforesaid in preference to Clermont's debt. The Court orders this petition (which is in French) translated, and notified to Clermont and Roquigny.

The seizing creditor answers this petition, conceding to the wife any property that may belong to her, but denying that she has any rights superior to him in the seized property, as he sold the property to Roquigny and is now only seeking to enforce his vendor's mortgage thereon. He further asks that the property be appraised by two experts. On November 20th, Clermont petitions setting forth that although the seized negroes were left with Mrs. Roquigny as before-said, who gave no bond therefor, she has sent one of them and two children of the same covered by the special mortgage out of the city, to her husband in Mobile. He therefore asks that the Sheriff be instructed to retake these slaves and deposit them with the General Receiver. The Court orders that a dispatch be sent to Francisco Simar de Bellisle, Commander at Mobile, to recover the slaves so removed and that the other property seized be placed in charge of a reliable person who shall give bond. Mrs. Roquigny protests against this and asks the negroes be left to work the plantation until the case is decided. The Court orders her to give bond to the value of the slaves if she wishes to profit by their labor, to which she consents and names Carlos Tarascon as her surety, but the clerk certifies that no bond was presented and thereupon the slaves were turned over to the General Receiver. The Court in the meantime has ordered that the parties proceed with their proofs within nine days and Clermont now petitions for the enforcement of this order still reiterating his contestations previously set up.

The next step is a petition by both parties for "publication of the evidence" produced by either side.



Note—See Vol. I. Louisiana Law Journal, 1841 Ordinances of Don O'Reilly, Section I. of Civil Judgments in General. Paragraphs 8, 9, 10, and 11.

8. "If the fact contested should be admitted to proof, as being doubtful, the same shall be determined within eighty days at furthest; during which delay the parties shall furnish their proofs, and shall summon each other reciprocally to attend to the administering of the oath to the witnesses.
9. The testimony of the witnesses shall be so secretly given that neither of the parties shall have knowledge of the deposition of his own witnesses, nor of those of the adverse party. The term to which the cause may have been continued having expired, one of the parties shall move that by reason of the said expiration the testimony of the witnesses be made public. This motion shall be communicated to the other party, who shall consent thereto, etc."

Under this practice this testimony was taken in secret, *exparte*, before the clerk of the Cabildo, who acting in accordance with the commission conferred upon him by the Court administers the oath to the witness, and propounds to him the list of questions made out by the attorney of the litigant who has summoned the said witnesses. These answers are signed by the witnesses and the Clerk.

This proceeding is irregular—The taking of the testimony of witnesses should be in two parts. I. "Admitted to Proof" and II., "Publication of the Evidence" as will be seen from O'Reilly's Ordinance, but in this case the testimony taken secretly is published immediately.

The Court directs that the testimony of each side be delivered. This is done and Clermont's attorney then propounds three questions to Messrs. Castan and Guimbert (*Inguimberty*) which with their answers are as follows:

- q. Did the plantation in question ever belong to the Barré estate?
- a. It had belonged to one Bart, called Lionais, and never to any other.
- q. Did not the plaintiff buy the same at a judicial sale before Garic Greffier?
- a. Pedro Clermont bought it judicially after Bart's death.
- q. Did Roquigny's father ever own the same or did it ever belong to the former by succession or donation?
- a. They never knew it to belong to Roquigny's father, but always to Lionais aforesaid.

Roquigny and his wife were questioned in like manner.

- q. At the time they bought the plantation and negroes was it not known that it had previously belonged to the Lionais succession?
- a. Yes, the plantation in question belonged to the Lionais succession.

- q. Did the plantation and negroes ever belong to Pablo Barré or his wife?
- a. No, the plantation had never at any time belonged to Mrs. Roquigny's parents.
- q. Did Mr. Roquigny not buy the plantation and negroes to replace his wife's dowry, and did he ever pay the full amount of the purchase price?
- a. (Mrs. Roquigny) She did not know whether or not her husband had bought the plantation and negroes to replace her dowry, but she does know that he only owes a balance of 3,000 livres.
- a. (Mr. Roquigny) He said he bought the plantation and negroes to work in order to make a living, and that he had given a negro named Caesar, belonging to his wife, to Clermont, and that all he owes is a balance of 3,000 livres.

Pedro Clermont petitions that Roquigny be ordered to declare under oath how many thousand livres he had paid on account, in what species of money, and if he had ever paid more than 3,000 livres. Although this petition was granted, a note stipulates that the question was never put to the defendant.

Cecelia Barré, through her attorney, presents her list of questions, and asks that her husband be summoned to answer them under oath. Her questions and the answers are as follows:

- q. Did Mrs. Roquigny not have a dowry of 1,000 livres?
- a. Yes, his wife's dowry was 1,000 livres.
- q. Did she not not receive 10,731 livres, 11 sols, 1 denier from her father's succession?
- a. Yes, she received 10,731 livres, 11 sols, 1 denier from her father's succession.
- q. Did Mr. Roquigny not sell some slaves belonging to his wife to pay a part of the purchase price of the plantation?
- a. He gave Pedro Clermont a negro named Caesar, on account for the purchase of the plantation, and that he sold 2 slaves, Baptiste and Congo, to Mr. Chabert, and one, Luis, to Mr. Maxent.
- q. Had Mr. and Mrs. Roquigny put their funds together to buy the plantation?
- a. That from the beginning his wife did not wish to buy conjointly with him. He had bought the land alone hoping to make a living by it.

The case is now argued, Leonardo Mazange, attorney for the plaintiff, presents his side. He acknowledges having received, from the Clerk of the Cabildo, the evidence of the witnesses of the defendant. This testimony merely defines the amount of Mrs. Roquigny's dowry of which there is no contradiction. The point is that he objects to Cecilia Barré being declared a preferred creditor of her husband's in a transaction wholly outside of her dower rights. He asks that the effects which have been seized be appraised by experts, and sold for the benefit of his client. He names Pedro Songy as his appraiser.

Henry Desprez, attorney for Mrs. Roquigny, argues in defense of her dower rights in the suit she has brought for a separation of property, claiming that every wife, by her marriage contract, has a tacit and certain mortgage on her husband's estate to the extent of her dowry and paraphernal property. Her husband has sold some of her slaves without her consent or signature to pay for a plantation bought from Pedro Clermont. The plaintiff's property has been alienated without her consent, therefore she has the right by law, to reclaim it for the support of her children. The question arises: that since Mr. Clermont has seized Mr. Roquigny's property does not the law declare the wife a preferred creditor to the extent of her dower, and other rights.

"Fundum dotalem non solum hypotheco titulo dare, nec consentiente mulier maritus possit, sed nec alienare, ne fragilitate naturae suae in repentinam deducatur inopiam, de fundo, Dotali L. un \* 15 Cap. de rei. ux. act".

It must therefore be observed that because of the disorder of her husband's affairs, Mrs. Roquigny has the right to ask for a separation of property and to reclaim her dower and paraphernal rights.

"Si constante matrimonio propter inopiam mariti mulier agerevolet unde exactionem initium accipere ponamus? et constat exinde dotis exactionem competere, ex quo aparuerit mariti facultates ad dotis exactionem non sufficere. Cap. de Jur. dot. L. 30".

Besides if the dowry is in money, debts, or other effects that do not happen to be in kind, (qe. no se hallan en naturaleza) the wife can have her husband's property seized and sold to collect what belongs to her.

"Ubi adhuc matrimonio constituto maritus ad inopiam sit deuctas et mulier sibi prospicere velit, res que sibi suppositas pro dote et ante nuptias donatione rebus que extra dotem constitutis, tenere non tantum mariti res ei teneri, et super his adjudicium vocatae exceptionis praesidium ad expellendum ad hypothecae secundum creditorem prestamus. Sed etiam si ipsa contra detentatores rerum ad maritum suum pertinentiam, super usdem hipotecis aliquam actionem secundum legum distinctionem, moveat, non obesse ei matrimonium ad constitum sancimus. L. 29. C. de jur. dot."

And thus it follows that Mrs. Roquigny can reclaim all that belongs to her. According to law every woman and also her heirs hold a mortgage upon the entire estate of the husband for the restitution of her dowry and other paraphernal property from the date of her marriage contract. This conforms to Ordinance March 1673. Article 71. The mortgage held by the wife for her dowry and other money received by her husband since her marriage is much more worthy to be classed as preferred, than any other debt. It is but just, since a woman is obliged to confide her dowry to her husband, she must therefore in all security to herself, hold the right to reclaim her own property in case of a dissolution of the marriage, or a separation.



Moreover, Mrs. Roquigny's marriage contract is dated July 27th, 1754, and Mr. Roquigny did not acquire Mr. Clermont's plantation until April 11th, 1767. It therefore follows that her mortgage upon her husband's estate is of a much earlier date.

It must be further observed that Mrs. Roquigny never consented to the purchase of the plantation nor did she sign the act of sale, and also that it was with money acquired from the sale of her slaves that her husband paid Mr. Clermont a part of the purchase price of the plantation. The vendor can now have no recourse against Mr. Roquigny's property until his wife has been paid, and if there are not sufficient funds to pay both, the vendor must direct his claims against the bondsman whose name appears in the act of sale.

It has been previously shown by her contract of marriage, Mrs. Roquigny had for her dowry 1,000 livres, and in the partition of her father's estate, she received 10,731 livres, 11 sols, 1 denier, therefore her husband owes her 11,731 livres 11 sols, 1 denier. She prays that she be declared her husband's preferred creditor, before all others, for this sum, and that Mr. Clermont's claim be excluded, and that he be directed to take recourse against her husband's bondsman.

After reviewing the evidence and arguments in the case, the Court decrees: that Roquigny's property which has been seized must be publically called and sold at auction to pay Mr. Clermont. Mrs. Roquigny must be given the right which the law allows her to proceed against her husband's own proper (other) estate for her dower and other rights. Clermont is condemned to pay costs of the case.

Pedro Clermont petitions that the seized property be appraised by experts, and for his part he names Santiago Hallays, and asks that Mr. Roquigny be ordered to do likewise. The Court orders the seized property called for public sale, the appraiser petitioned for must be notified of his appointment so that he may accept and take oath. Santiago Hallays qualifies as appraiser.

Nicolas Jurdan, (Jourdain), public town-crier, calls the sale of the plantation twice and the slaves once. At this point, the case is resumed by Francisco Roquigny, (who has evidently returned from Mobile). He appoints Henrique Desprez to act as his attorney, and declares that in answer to Mr. Clermont's petition he appoints Pedro Songy as expert to appraise his seized property. (Clermont has already named Hallays). Petition granted and Pedro Songy qualifies.

This proceeding is followed by the second and third public calls for the sale of the negroes. Henrique Desprez and Leonardo Mazange attorneys, with the assistance of Santiago Hallays and Pedro Songy, appraisers for the two litigants, accompanied by J. B. Garic, clerk, went to the office of the general receiver where they place a value of 360 pesos upon the negroes held by Joseph Ducros, general receiver. They then went to the plantation situated eight leagues from the city, consisting of a piece of land, 5 arpents front, by 40 deep, with a small cabin thereon, which they appraised at 100 pesos. At this point the third call for the sale of the plantation is recorded.

Pedro Clermont declares that the three public calls for the sale of the negroes and plantation have been given, he therefore petitions the Court to name the date of sale. The Court names the 28th of the current month, (May 28th, 1771). At the public auction held the only bid was 200 pesos by Gabriel Suriray. The sale was put off until June 3rd. Pedro Clermont declares that as the sale of the plantation and negroes together had not brought out a bid sufficiently large, he petitions that they be sold separately. Granted. The seized property was again called at public auction, but as no one outbid Gabriel Suriray's 200 pesos, the sale is withdrawn until June 10th. When on this date the property was again offered at auction and there was no further bid, on June 12th, 1771, the Court orders the plantation and negroes adjudicated to Clermont at the price of their appraisement.

Taxation of the costs of the case in two parts.

Part I. June 12th, 1771. Amounting to 210 pesos, 3 reales.

Part II. June 26th, 1771. Amounting to 22 pesos, 2 reales.

The case is resumed on June 26th, 1771.

Juan B. Garic, Clerk of the Cabildo, declares that Pedro Clermont has not paid the costs of the case in the suit "Clermont vs. Roquigny". He therefore petitions that his attorney, Leonardo Mazange, do so within a short space of time, and failing to do so, he petitions the Court to order the negroes adjudicated to him put in prison. Granted.

July 2nd, 1771. Joseph Ducros, general receiver, declares that Mr. Roquigny's seized negroes were in his charge for 194 days and that during that time he was obliged to feed them. Two were too old to work, and two were unable to work, so he was put to the expense of 3  $\frac{1}{2}$  sols a day for each one which now amounts to 145 livres. He asks that the Clerk of the Cabildo add this sum to the costs. Granted.

September 15th, 1772. Pedro Clermont petitions for a copy of the case he has prosecuted against Francisco Roquigny. The Court orders a copy delivered to him within two days.

#### **Same Suit, Imprisonment for Debt.**

September 24th, 1772. Santiago Chaperon, or Chapron, as bondsman brings suit against Luis or Francisco Roquigny, his principal, in the suit to foreclose a vendor's mortgage prosecuted against him (Roquigny) by Pedro Clermont. In Mr. Chaperon's first petition he declares that as bondsman in solidum for the said Roquigny, he was obliged to pay 2500 livres to complete the payment due on the vendor's mortgage, he therefore prays that the writ of execution be enforced against the person of the defendant. The Court rules that nothing has been presented to prove that Santiago Chaperon, as bondsman has ever paid anything for his principal, Francisco Roquigny. Whereupon Santiago Chaperon presents a certified copy of a notarial act dated September 22nd, 1772, as evidence that he has actually paid the sum stipulated above to Pedro Clermont, and as he has never been reimbursed, and has not been able to find any property to seize, he prays that the writ of execution previously issued

be enforced against the person of the defendant. The Court rules that the writ of execution issued against the property of Francisco Roquigny be now enforced against his person in favor of Santiago Chaperon and that the said Roquigny be placed in the public prison.

On October 24th, 1772, Nicolas Fromentin, deputy sheriff, signs a report to the Clerk of the Cabildo that he has placed Roquigny in prison and in this same document Antonio Gosson, warden of the prison, signs a receipt for the person of the prisoner.

Francisco Roquigny now petitions and declares that he has been imprisoned for a debt which his bondsman, Santiago Chaperon, has paid for him. He is insolvent, but to prove that he has the mind to pay back this obligation, he is willing to work for Mr. Chaperon on his indigo plantation, or perform any other kind of labor under the same conditions and treatment that he has received from Francisco Desmazrellieres, reserving for himself only enough to feed his wife and six children. He can offer nothing else as he does not own any property, not even "a half real" with which to pay. While he is a prisoner he can earn nothing, nor can he support his family. He therefore petitions for his release from prison. The Court sends this petition to Mr. Chaperon, who declares that he can not accept Mr. Roquigny's proposition. He knows that the petitioner is insolvent, he therefore petitions the Court to find out if Mr. de Masellieres owes the prisoner anything for his labors, and if so, to garnishee his wages and let him be paid this money and exclude Roquigny's claim to it. The Court orders Francisco de Masillieres to declare if he owes Roquigny anything, if so, that it be delivered to Chaperon.

Francisco de Masillieres declares that he owes Mr. Roquigny nothing, but on the contrary he owes him about 100 pesos more or less.

Santiago Chaperon presents a certified copy of a notarial act dated November 18th, 1772, which is an agreement entered into by Francisco Roquigny and his wife, Cecilia Barré, for the first part, and Santiago Chaperon for the second part, by which Cecilia Barré obligates to pay Santiago Chaperon 2 years from date, 875 livres which remains as a balance due on a larger sum which he was called upon to pay as her husband's bondsman. Chaperon for his part agrees to drop the suit and permit the defendant to be released from prison, also agreeing to pay costs of these proceedings without recourse or reserve. Upon the petition of the plaintiff, the Court orders this case dismissed, Mr. Roquigny be released from prison and the taxation made of the costs.

Taxation dated November 21st, 1772, amounting to 28 pesos, 7 reales.



1770.—Jan. 19.  
**Louis Latiolais vs.**  
**Pedro Clermont**  
 No. 10651.  
 pp. 96623-96729. 66pp.  
 Court of Alcalde  
 Trudeau, Assessor.  
 Cecilio Odoardo,  
 Escribano, (Clerk).  
 Garic.

To make tutor render an  
 account of his minor's  
 estate.

Louis Latiolais, husband of Julienne  
 Bart, declares he married his wife  
 while she was still a minor under  
 tutorship of Pedro Clermont. Since  
 then he has rendered no account of  
 the estate nor has he surrendered  
 her property to her. He prays the  
 Court to order him to do so without  
 delay. Defendant summoned but  
 failing to appear, judgment by de-  
 fault is pronounced against him.  
 and he is condemned to render an  
 account of his administration of  
 Julienne Bart's estate.

March 5, 1770. Defendant pre-  
 sents account of his administration. This statement is sent to  
 Latiolais who contests it and attacks Clermont's investments of his  
 minor's funds. Alcalde Trudeau orders all records in case sent to  
 Mr. Fleuriau so that he may make a report and give his advice as  
 to what is lawful. On the strength of Fleuriau's report Trudeau  
 orders Clermont to pay Julie Bart Latiolais 6498 livres 2 sols, dis-  
 misses the suit and excludes parties from making further demands.

This decision pleases neither parties and is attacked by Latiolais  
 and after further debate the case is sent to Cecilio Odoardo who  
 rules that because of the disorder in which the case has been pre-  
 sented it is impossible to make a decision, but advises litigants to  
 come to some sort of an agreement among themselves so as to avoid  
 further costs.

The parties come to an amicable settlement and case is dis-  
 missed.

Garic, clerk of the Cabildo, taxes costs at 44 pesos 7 reales.

Jan. 22.  
**Luis Diard vs.**  
**Jean Datchurut.**  
 No. 4031. 24 pp.  
 Court of Governor Unzaga.  
 Assessor, Cecilio Odoardo.  
 Escribano, Garic.

To recover boat and  
 compensation for its use.

Luis Diard states that last De-  
 cember in Illinois he lent a boat to  
 Jean Datchurut to descend to Kas-  
 kaskias and returned from Misere  
 or on demand. Defendant broke  
 his engagement and took boat to  
 New Orleans, and has offered to  
 replace it with another which is  
 worthless. Plaintiff was compelled  
 to deposit 800 livres with greffier  
 in Illinois as security to Mr. Cham-  
 ard, owner of boat. He prays defendant be condemned to pay  
 damages, interest, loss in value of skins and travelling expenses from  
 Illinois to New Orleans.

Court appoints Luis Ranson and Denis Braud as arbitrators  
 to report on Diard's claim. They condemn Datchurut to pay all  
 plaintiff's demands.

June 9, 1770. The parties appear before Pedro Piernas in St. Louis where damages for skins and flour deposited as security in that place is submitted to arbitration, and loss placed at 35%.

Action reverts to New Orleans when on Feb. 19, 1770, by a decree of Unzaga all Datchurut's property found there is seized and placed with Joseph Ducros, general receiver.

January 26, 1771, a dispatch is sent to Piernas by Unzaga authorizing him to seize Datchurut's estate and person if necessary for the 1000 livres demanded by plaintiff to pay owner of boat.

December 30, 1773, at St. Genevieve, a receipt signed in full for 11088 livres 5 sols remitted to plaintiff by defendant, and is a complete acquittance of all claims for damages, expenses, interests, etc.

First Taxation made January 26, 1771, by Garic clerk of Cabildo, at 9 pesos 4 reales, and second, March 16, 1776, by same clerk at 5 pesos 5 reales.

This is a valuable record for the student as it shows the practice in New Orleans and in Illinois.

**1770.—Jan. 20th.**  
**Chapron vs. Dupart.**  
No. 4018. 4 pp.

Before the Court of Governor  
Unzaga.  
Contestation of a claim.  
Garic, Clerk.

In a petition to the Governor General, Mr. Chapron makes a declaration to the effect that Francoise Larche, under the authority of Mr. de L'Isle Dupert (her husband and curator) has obtained a decree at the foot of a petition which she has made to Your Lordship (Unzaga) in which she demands 10,090 livres, 15 sols in

specie payment (réel) or gourdes. She bases her claim on an order which she received from the late Superior Council dated January 28, 1769. The question of the debt, (which the petitioner confesses he owes) was debated before the said Council. Chapron herewith refers the Court (Unzaga) to a copy of the said proceedings filed with the Greffier. The said Council fixed the debt at 10,090 livres, 15 sols to be paid in notes of the colony and ordered Mr. Chapron to pay without delay. This amount he has offered Mrs. Dupard, or Dupart, in ancient colonial notes but she has refused to accept them and demands payment in reales or gourdes, he therefore petitions the Court to decree that she accept paper money.

January 25th, 1770. Governor Unzaga rules that Mrs. Francoise Larche Dupard must accept Mr. Chapron's debt of 10,090 livres, 15 sols. On the back of the foregoing sentence D'lle Dupard (De L'Isle Duparc) receipts to Mr. Chaperon, in his wife's name and as her curator, for 10,090 livres, 15 sols in ancient notes of the colony.

1770.—Jan. 25th.  
**Alexandro Bauré vs.  
 Franc. and Juan B. Verret.**  
 No. 10581. pp. 94595-94651.  
 33 pp.

Before the Court of Governor  
 Doctor Cecilio Odoardo,  
 assessor general.  
 Plaintiff resigns tutorship of  
 defendants and seeks to force  
 them to receive their estate  
 and to obtain his discharge  
 as tutor.

The proceedings are conducted in  
 French, translated into Spanish un-  
 der the order of the Court. Alex-  
 andro Bauré petitions with Henry  
 Desprez, as his attorney, setting  
 forth that he was tutor to the minor  
 children of the late Joseph Verret.  
 That he has heretofore settled with  
 those who have reached majority  
 and now desires to resign his trust  
 and to settle with the minors Fran-  
 cisco and Juan B. Verret, the re-  
 maining parties in interest. He asks  
 the appointment of a commissioner  
 to hear the matter. Governor Un-

zaga names Charles Jean Baptiste Fleuriau, Regidor and Alguacil  
 Mayor, as commissioner (comisario Sp. Commissaire Fr.) and orders  
 all parties to appear before him.

Alexandro Bauré in a new petition restates his case before Fleu-  
 riau, alleging that he rendered an account of his administration as  
 tutor of the Verret children before the late ("ancient") Superior  
 Council which on September 14th, 1761, confirmed the same by final  
 decree. That each child's share was fixed therein at 5818 livres, 16  
 sols, 8 deniers, and settlement was made by him on that basis with  
 all save Francisco and Juan Bautista Verret. That this decree is  
 binding on said minors and cannot now be questioned or contested  
 by them.

He presents as evidence a certified copy of said account and of  
 the partition of the estate of Joseph Verret dated Septémber 12th,  
 1761, from which it appears the deceased was twice married, first to  
 Maria Bailly by whom he had one child, Nicolas Verret, and second to  
 Maria La Branche, by whom he had six children, Joseph, Miguel, An-  
 dres, Noel, Francisco and Juan Baptiste Verret. It is shown therein  
 that Maria La Branche, (widow Verret) is now the wife of the pe-  
 titioner. Alexandro Bauré. The partition shows, that it adjusted and  
 settled the community existing between Joseph Verret and his two  
 wives. It was made before the Royal Notary Chantalou, under a  
 decree of the Superior Council, dated September 12th, 1758, and is  
 signed by de la Chaise, Councillor, assessor of the Superior Council  
 of this Province and Commissioner specially named by de Rochemore,  
 Commissary General of the Marine and ordonnateur "First Judge"  
 of the Province of Louisiana, acting in the place of de la Freniere,  
 Counsellor assessor and commissioner, previously acting in this case,  
 de Lalande, counsellor assessor, acting as attorney General of the  
 King. It is also signed by Bauré, Verret, Cantrelle, Le Duff, Harant  
 (Harang), Bary, and Notary Chantalou. The accounts stated there-  
 in show the total estate of Verret at 81,463 livres, 14 sols. It is  
 approved by Nicolas Verret, one of the heirs and acting as Curator  
 to his half brothers, also by Mrs. Maria La Branche Verret Bauré,  
 who certifies it has been examined and submitted to the parties to



the act and to a family meeting of the relatives and friends of the minors, who have likewise approved it, and this has been homologated by the said Superior Council. Nicolas Verret acknowledges the receipt from Bauré of 3,534 livres, 10 sols, 2 deniers, his share of the first community, and of 5,818 livres, 16 sols, 8 deniers from the second community and discharges his mother and step-father from any further liability.

In his petition to Fleuriau, Bauré further shows that the balance under this partition coming to the minors, Francisco and Juan Bautiste Verret, is 11,637 livres, 13 sols, 4 deniers, is represented by the Receipt of the Treasurer of the Colony, dated January 1767 for paper money of the Colony and the same is the actual money received by him from the sale of the assets as is established in the partition, and it is the only kind of money he has to offer in settlement.

On March 1st, 1770, the parties present their contentions in writing to Fleuriau, Alguacil Mayor and Special Commissioner, through a counsel or lawyer, whose name is not mentioned. On behalf of the two Verret children it is contended that they are entitled to be paid in specie the shares aforesaid (5,818 livres, 16 sols, 8 deniers each) and are not bound to accept the ancient paper money of the colony represented by the receipt of the Treasurer because these paper notes have been reduced three-fifths of their specie value and are now at a further depreciation of 50% in circulation value, whereby the portion of each child would be reduced to 1,700 livres. They further dispute the figures of the account and partition contending that the sale of the Verret estate occurred in 1758 and not in 1759 as shown in the partition of September 12th, 1761, that the amount produced by the sale should be based on the values of 1758 because the "interruption in exchange" came only in 1759 and it was through this that the paper money of the colony was discredited, and that the ordinance was adopted relied on by Bauré, requiring its conversion into Receipts of the Treasury. The heirs also contend that Bauré had not charged himself with the interest on their capital from 1758 to the present accounting and they refer to the marriage contract between their mother and Bauré wherein it is stipulated that her minor children were to be supported according to their state at the expense of the future community and on the revenue of their estate until majority. They charge that Bauré did not comply with this provision and that while still under age, they were obliged to leave their maternal home because they preferred to gain their living on the outside rather than to labor for nothing, and put up with the bad treatment they received at home, all of which is generally and publically known. They therefore insist they are entitled to their said inheritance (5,818 livres, 16 sols, 8 deniers) in specie with interest, in full and without loss or deduction. We gather from the record that this plea was served on Bauré, who countered with proof in the nature of a new account and inventory. To this document (which was taken away from the record) the minors filed an answer (contradiccion) which reiterates their previous contention.

April 5th, 1770. Charles Jean Baptiste Fleuriau, regidor and Alguacil Mayor, presents his report upon the suit brought by Alexandro Bauré. He declares that after an examination of all documents presented in the case, it is incontestable that the share coming to each one of the minors is 5,818 livres, 16 sols, 8 deniers. Although the adjudication of the immovable property was made October 16th, 1758, it was payable in a term of 6 months, therefore the tutor could not charge himself until the collection at the expiration of that term, which would have been May 16th, 1769, and could not do otherwise than receive it in paper notes of the colony, which was the only money in circulation. When the King ordered these paper notes converted into Treasurer's receipts, the action of Mr. Bauré in sending his to France was perfectly lawful. He has never been guilty of negligence or bad faith and has fulfilled all his duties and obligations as tutor. He owes them nothing in interest, because if there had been any it should have been used for their support, but as it was the money was put on deposit and brought no interest, and Mr. Bauré had defrayed all their expenses for their support. In conclusion, therefore, the minors will have to receive the treasurer's receipt derived from the sale of their father's succession. Mr. Bauré will have to complete the deficit in the amount belonging to the minors† (see explanatory Note). The Succession is condemned to pay costs.

Fleuriau presents an itemized list of the documents submitted to him. These together with the foregoing report Governor Unzaga orders sent to his assessor general, Don Doctor Cecilio Odoardo.

On September 19th, 1770, in a formal judgment, the assessor general confirms the report of Fleuriau, and orders the taxation of the costs drawn up by the clerk of the Cabildo. This judgment is signed and paraphed by "Unzaga" and Dr. Odoardo. In a marginal note, Garic, the clerk, certifies that he has returned a treasurer's receipt of 11,000 and some livres to Mr. Bauré.

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†EXPLANATORY NOTE. The deficit Mr. Bauré is called upon to cover is not made clear in the text. A probable explanation may lie in the fact that the shares of the two remaining heirs deposited with the Clerk of the Cabildo was contained in one treasurer's receipt of 11,637 livres, 13 sols, 8 deniers. In exchanging one treasurer's receipt for two of equal value, there was likely a discount, which Mr. Bauré was ordered to assume. This is merely a suggestion, as there is no authority upon which to base this supposition.

Alexandro Baureé, Bauré or Boré, second husband of Maria La Branche, widow of Joseph Verret by his second marriage. As this Alexandro Bauré, as he signs himself, lived at Tchoupitoulas and had a son called Esteban, Stephen or Etienne, it is logical to suppose that he was either the father or grandfather of Etienne Boré of sugar making fame, who owned a plantation above the city.

Charles Jean Baptiste Fleuriau, First Alguacil Mayor or Sheriff under the Spanish Domination, was the son of Francois Fleuriau, who figured in French colonial days. In the early Spanish times the sheriff's position was evidently an office one, the actual duties of sheriff were performed, at that time, by a deputy sheriff, Santiago (Jacques) Hallays.

De la Chaise mentioned in 1758 must have been the father of the alcalde of 1770, known as de la Chaise de St. Denis, and grandson of the first who appears in French Records.

De la Lande, also mentioned in 1758, is doubtless of the same family Lalande D'Appremont, or Dappremont, who appears quite frequently before the Courts under the Spanish domination.

The first taxation of costs made and submitted to Mr. Baure amounts to 30 pesos, 5 reales and is evidently not satisfactory for there is a second taxation amounting to 25 pesos, 3 reales dated and paid September 24th, 1770. On January 17th, 1773, Alexandro Bauré petitioned for and receives the documents that we note are missing, which he claims it is necessary for him to retain.

1770.—Jan. 26.

Vincent de Morand, et als.  
Petition Emancipation.

No. —. 11pp.

Court of Governor Unzaga.

Assessor, Cecilio Odoardo.

Escribano, Garic.

and Vallier *vs.* de Morand.

Vincent de Morand, aged 18, and Luis de Morand, aged 17, petition for their emancipation. Granted. Family meeting called to elect a curator ad hoc.

July 12, 1770. Joseph Philippe Dauterive de Valliere petitions saying he leased a plantation from said minors at a rental of 10,000 livres a year. Brick making is the sole industry, and as it is no longer

To reduce his rent.

lucrative he asks for a reduction of rent with two appraisers appointed to adjust same. Upon order of the Court plaintiff presents his lease and his letters of curatorship. These two documents are sent by Unzaga on the advice of Odoardo to the de Morand minors.

August 6, 1770. The de Morand minors declare their willingness to reduce de Valliere's rent and ask the Court to draw up a new lease promising to conform to it. Unzaga upon the advice of Odoardo orders de Valliere to write a statement of what it costs to produce bricks and their selling price and to swear to the truth of his declaration. No taxation made of costs in this case.

Jan. 31.

Duforest *vs.*

Chapron (Chapron.)

No. 4019. 5 pp.

Court of Alcalde Trudeau.

No Assessor.

Escribano, Garic.

Juan Duforest sues on note of Chapron dated June 12, 1769, payable in four months to Joseph Montegue or order 626 livres 5 sols in piastres gourdes or indigo for value received in merchandise. Santiago Chapron is summoned to appear, and failing to do so judgment by default is rendered against him for amount claimed and costs.

To collect a note.

December 19, 1770. Mr. Duforest appears stating he is in charge of Mr. Montegue's affairs, and though defendant has been notified of Court's orders to pay he has not done so. He prays that Chapron be summoned to verify his note which must then be returned to him for future use.

December 22, 1770. Juan Duforest asks that note be returned, proceedings discontinued and taxation made of costs. Granted.

Garic, clerk of the Cabildo, taxes costs at 5 pesos,



**1770.—Feb. 1.**  
**(Carlos) Tarascon vs.**  
**Jacques Carriere.**  
 No. 4108. 13 pp.  
 Courts of Alcaldes  
 Trudeau and Forstall.  
 Assessor, Cecilio Odoardo.  
 Escribano, Garic.

To collect a note.

asking that defendant be summoned to verify his note and it is so ordered.

May 2. Plaintiff declares defendant failed to obey and prays for execution against his property to extent of debt its tenth and costs and also to testify he owes the debt and has not paid it. Writ issued and delivered by deputy sheriff who reports to Escribano who in turn certifies that writ was not carried into execution as Carriere said he was coming to city to pay his debt.

Sept. 26, 1771. Carlos or Santiago Tarascon reports an agreement has been reached with Santiago Carriere and the debt is paid, prays note be returned to defendant and costs taxed.

Garic, clerk of the Cabildo, taxes costs at 19 pesos 3 reales.

**Feb. 1.**  
**Carlos Tarascon vs.**  
**Dauterive de Valliere.**  
 No. 4109. 14 pp.  
 Courts of Alcalde Trudeau  
 and Governor Unzaga.  
 Assessor, Cecilio Odoardo.  
 Escribano, Garic.

Executory Proceedings to  
 collect a debt of 600 livres  
 in piastres.

Suit on note two years past due. As he is obliged by executory proceedings to satisfy his own creditors he prays de Valliere be condemned to pay debt and costs under penalty of seizure. Latter fails to appear. February 13, Alcalde renders judgment by default for amount claimed with costs. May 7, Plaintiff asks for execution against defendant's estate. Granted.

Aug. 14. Plaintiff appears again, saying that the writ of seizure has never been carried into effect, and is held subject to the courts orders, he prays again for a writ of execution and a confirmation of first proceedings to collect 600 livres the tenth and costs caused or which may be caused by this suit. Trudeau rules that de Valliere is an officer on half pay and should be tried by a Military Court. This suit belongs to the jurisdiction of the Governor and Captain General and notifies the litigants they must appear before that tribunal. Aug. 29. Unzaga on advice of Odoardo rules that defendant must verify his signature to note and his deposition sent to plaintiff for further legal proceedings. Sept. 3, 1770. De Valliere verifies his signature and acknowledges the debt before Garic, clerk.

On Sept. 14, and again March 1, 1771, plaintiff reiterates his request for writs of execution, and on March 2, one is issued and en-

trusted to the deputy sheriff for execution who in turn reports that defendant paid 600 livres which he deposited with Garic to be held at the disposition of the court. March 14, 1771, Carlos Tarascon asks note be returned to defendant, proceedings discontinued, and costs taxed.

Taxation by clerk at 20 pesos 4 reales.

1770.—Feb. 8.  
**Pomet (Juan B.) vs.**  
**Reboul** (1st name not given).  
No. 4083. 3 pp.  
Court of Alcalde Trudeau.  
No Assessor.  
Escribano, Garic.

To collect a bill.

Petition granted. Dec. 22, 1770. Plaintiff prays defendant be ordered to verify his bill and his deposition transferred to him for further legal proceedings.

The Alcalde enters an order accordingly.

Feb. 8.  
**Gaspardo Pictet vs.**  
**Mr. de la Barre.**  
(1st name not given).  
No. 4081. 5 pp.  
Courts of Alcaldes  
Trudeau and Forstall.  
No Assessor.  
Escribano, Garci.

To collect a note.

Juan B. Pomet, Captain of *The Thetis*, presents a bill dated Aug. 15, 1768, for 495 livres due for merchandise brought over on his ship. Plaintiff certifies to the correctness of this bill on Feb. 7, and the day following states that bill is past due but he has been unable to collect. He prays defendant be condemned to pay this debt. Petition granted. Dec. 22, 1770. Plaintiff prays defendant be ordered to verify his bill and his deposition transferred to him for further legal proceedings.

Leonardo Mazange, attorney of Gaspardo Pictet, sues for his client, on a note dated Aug. 4, 1760, for 132 livres 4 sols signed Volant, alleges that Mr. de la Barre has married a daughter of the deceased Volant who has inherited a part of her father's estate. He prays defendant be condemned to pay this note, and he in turn to have a report of action against the other Volant heirs for their respective shares,

all of whom to be ordered to pay costs. Feb. 12, Alcalde Trudeau orders defendant to appear within the delay of the ordinance. Defendant answers this summons by letter, not dated, contesting the suit. Oct. 22. Plaintiff petitions a second time that de la Barre be notified and that executory proceedings will follow. Court orders de la Barre to answer in writing for the next audience. Jan. 18, 1771, Plaintiff states defendant has held records for sometime and has thereby caused justice to be suspended. He prays that said records be returned to the clerk of the Cabildo. Granted.

1770.—Feb. 8.  
**Gaspardo Pictet vs.  
 Mrs. Grondel.**  
 No. 4072. 6 pp.  
 Courts of Alcaldes  
 Trudeau and Forstall.  
 No Assessor.  
 Escribano, Garic.

To collect a note.

of 2003 livres 15 sols. He prays that Mrs. Grondel be summoned, condemned to pay her husband's debt. Petition granted.

Jan. 10, 1771. Plaintiff appears before Alcalde Forstall stating that he has been absent from the colony, and now wishes to resume suit he was prosecuting against Mrs. Grondel for a debt her husband owed his client. He asks that she be ordered to verify her said husband's signature and declare if the balance due is correct, and her reply transmitted to him for further proceedings. Granted. Mrs. Grondel appears and says that because of the time which has elapsed and her ignorance of her husband's writing she is unable to testify.

Jan. 15. Plaintiff answers that Mrs. Grondel being unable to identify her husband's writing there are doubtless documents in the city executed before a notary and signed by him, he prays that a comparison of signatures be made and a written statement of the result transmitted to him for future proceedings. Granted. April 27, 1771. Plaintiff asks return of original note and that costs be taxed. Garic, clerk of the Cabildo, taxes costs at 6 pesos 6 reales.

Feb. 8.  
**Gaspardo Pictet vs.  
 Dubois Succession.**  
 No. 4071. 6 pp.  
 Courts of Alcaldes  
 de la Chaise and Chabert.  
 Assessor, Cecilio Odoardo.  
 Escribano, Garic.

To collect a note.

10 sols on the two transactions. He petitions that Monbrun Carriere, tutor to the Dubois minors, be summoned to appear and state his reasons for his refusal to pay. Dec. 24, 1770 and again on Jan. 30, 1771, plaintiff asks for execution against Dubois estate to extent of debt its tenth and costs. This last request is sent to Assessor Odoardo who on Jan. 31, 1771, signs a ruling with Alcalde Pedro Chabert to the effect that the instruments presented are prescribed for legal execution, and besides Monbrun Carriere denies that he is curator and tutor to the Dubois minors. Gaspardo Pictet to be notified of this decision and given a copy to be used when suitable.

Leonardo Mazange, attorney for Gaspardo Pictet, alleges that on March 4, 1764, Mr. Grondel signed a note for 2848 livres in favor of Mr. Diederick, who has left his procuration with Pictet to collect this amount. Plaintiff has received on account 344 livres 5 sols in deer skins besides 500 livres in notes of the colony amounting in all to 844 livres 5 sols, leaving a balance due

Leonardo Mazange, attorney for Gaspardo Pictet, agent for Chevalier Deideric, presents a note dated Dec. 6, 1758, for 335 livres 10 sols signed Dubois in which he agrees to pay Pictet or his agent balance due Deideric, also a certified copy of an act of sale by which the latter transfers to Gabriel Joseph Dubois, a negro family consisting of 6 persons. There remains due 835 livres



1770.—Feb. 12.  
Lebeau holding the  
Procuration of  
**Francisco Teisseire vs.**  
**Mrs. (Gallard) Lesassier.**  
No. 4050. 53 pp.  
Court of Governor Unzaga.  
No Assessor.  
Escribano, Garic.

To reclaim property of  
plaintiff's son left in charge of  
defendant's husband.

Louisiana on the King's vessel *The Messenger*, in 1765. The agent is empowered to take charge of all money and effects with Charles Lesassier, in whose absence his wife, Mrs. Gallard Lesassier, is managing affairs. She gives a written statement of Francois Teisseire's property which is contested by Lebeau. "To arrive more easily at a final reckoning" Fleuriau and Braud arbitrators are ordered to make their statement which they do placing a value of 13720 livres. At this valuation Dr. Lebeau petitions for a writ of seizure to take possession of his client's effects. Unzaga condemns Mrs. Lesassier to pay the agent 3024 livres 19 sols 7 deniers in cash within one month and return all papers and titles belonging of Francois Teisseire whose estate must pay costs.

March 6, Mrs. Lesassier contests this decision stipulating certain items as incorrect, claiming the valuation should be 12198 livres and not 13720 as fixed by Fleuriau and Braud, who on April 6, revise their report on the strength of Mrs. Lesassier's argument. She stated that the slave Samson was sold for 1250 livres and not 2500, and also that Mr. Lesassier had entire charge of Francois Teisseire and was entitled to 800 livres recompense. On this basis on April 7, 1770, Unzaga orders defendant to settle within 3 days after which she will be discharged from all future claims. Teisseire estate to pay costs. Garic, clerk, taxes costs at 35 pesos, and on April 10, certifies that Mrs. Lesassier paid costs out of the Teisseire estate.

Feb. 13.  
**Menelet (Nicolas) vs.**  
**Chapron (Santiago).**  
No. 4057. 12 pp.  
Courts of Alcaldes  
Trudeau and Forstall.  
Assessor, Cecilio Odoardo.  
Escribano, Garic.

To collect a tailor's bill.

and immovable property to the extent of the debt, its one tenth and

Francois Lebeau, M. D., acting for Mathieu Teisseire of Grenoble, France, presents 13 exhibits consisting of petitions, procurations, titles, accounts, and debates on accounts appertaining to the winding up of all business affairs of client's son, Francois Teisseire, who was secretary to the Intendant and keeper of stores in Arkansas, became feeble-minded after an attack (of fever) in New Orleans, from which place he was removed to France by the Intendant of

March 2, 1770, orders defendant to pay debts and costs. March 8, and again on April 3, the plaintiff unable to collect prays for writs of execution against defendant's movable

costs. Alcalde Trudeau on April 5, orders Menelet to appear in Court the day following with defendant's other creditors to debate upon what is best to be done for the advantage of all. Jan. 10, 1771, Pedro Guenard, tutor to the Menelet minors (Nicolas Menelet having died May 19, 1770), states Chapron has not paid his bill, and prays that he be summoned to verify the debt. On Jan. 19, defendant makes a written acknowledgment of his indebtedness. May 23, 1771, Pedro Guenard asks that the original bill be returned for future use, and taxation made of costs. Garic, clerk, taxes costs at 16 pesos 3 reales.

1770.—Feb. 14.  
**The Guinault minors  
 petition to have Santiago  
 Voisin appointed their  
 Curator ad lites.**  
 No. 4036. 6 pp.  
 Court of Alcalde Trudeau.  
 Licenciado Felis del Rey.  
 Escribano, Garic.

Marie Louise Voisin states that by her first marriage to Isaac Guinault she has 3 children, Jacques Philippe, Anne, and Helene Modeste, and by her second, she is the wife of Mr. Reboul who was made tutor to her children according to a revision of the inventory and as such is responsible for their entire estate. Reboul is insolvent, which makes her

fear for her minor children's property, and her own first community interests. The three children have arrived at age of emancipation with a curator to look after their interests, so she prays that her brother Santiago Voisin be named to this office, and her husband ordered to render an account to the new curator of his administration of this estate. She further asks for a separation of her first and second community interests, reserving to herself the right to protect her own interests under her marriage contract. Mr. Reboul to pay costs. Reboul summoned, failed to obey.

Feb. 21. The Court sends this petition to Felix del Rey for advice, (this is his first appearance as an assessor), who decides that a curator be named for the three minors to liquidate their interests against their step-father who is insolvent. This curator to accept, take oath, and give bond and immediately assure himself of the correctness of the tutor's accounts. Feb. 28. *Notarial Act* by which Santiago Voisin becomes curator to his minor Guinault nephew and neices and takes over the administration of their estate from their step-father. And ratification of this act by Alcalde Trudeau.

Feb. 16.  
**Widow Bunel vs.  
 Mr. Becat (Joseph).**  
 No. 4001. 16 pp.  
 Court of Governor Unzaga.  
 Assessor, Cecilio Odoardo.  
 Escribano, Garic.

Widow Bunel states that Widow Her and Mr. Becat owe her jointly 6000 livres on purchase of a house, act of sale passed June 7, 1769, for payment of which they mortgaged their present and future property, asks that they be ordered to make a settlement for this amount with interests and costs, or else let the house be sold to pay off mortgage.

To foreclose a vendor's lien.

Both parties were summoned to

appear and answer this petition but failed to obey. Feb. 22, the

Court condemns Mr. Becat to pay 6000 livres and acquits Widow Her of the obligation to pay any of it after examining her defense which is an act of sale dated Oct. 3, 1768, by which Louise Francoise Roquigny authorizes her husband Liopold Herr or Her to sell to Joseph Becat a plantation of 24 arpents with live stock for 8250 livres. Copy of an act of sale June 7, 1769, by which Theresa Chate-lier, widow of Dominique Bunel transfers to Mr. Her and his wife Francoise Louise Roquigny (in reinvestment for a plantation they sold to Mr. Becat) a lot and improvements 65 feet wide by 74 deep corner of Bourbon and Orleans Streets. This sum Becat agrees to pay in 4 months and for security gives mortgage on all his present and future estate, particularly on the plantation he has acquired. It is further agreed to pay this amount when due to Mr. Marmillion also present who will accept it for a debt for a family of slaves acquired by Mrs. Bunel from Mr. Ducoder.

March 22, Mrs. Bunel declares that on Feb. 22, she obtained a decree condemning Mr. Becat to pay 6000 livres due for the purchase of a house. This debt has not been paid. She petitions that his movable and immovable property be seized and sold for her benefit. On March 28, 1770, Unzaga orders the decree of Feb. 22 carried into effect, otherwise property will be seized. March 10, defendant answers with a petition to be conceded a two months extension of time. Court orders a report made on all documents presented in suit Bunel *vs.* Becat. June 19, plaintiff repeats that as defendant has acknowledged his debt of 6000 livres before the escribano (declaration not included) she prays for a writ of execution against his person and estates. The Court orders the escribano to certify if Mr. Becat has acknowledged his debt judicially before him, and to send the foregoing petition to the assessor for advice. Garic certifies in the affirmative, and Odoardo orders writ issued. Jan. 14, 1771, Mrs. Bunel petitions for original document page 9, for suit to be discontinued, and taxation made of costs, these are taxed at 12 pesos 7 reales.

1770.—Feb. 16.

**Sale of Estate left by  
death of Joseph Duport  
(Dupard).**

No. 4030. 21 pp.

Court of Governor Unzaga.

Escribano, Garic.

Pierre Joseph D'lle Dupard and wife, Jacqueline Michel, petition Captain-General O'Reilly, asking permission to free their slaves Marguerite (negress), aged 32; Catherine (mulattress), her daughter, aged 16; Jean (negrillon), her son, aged 10; and Adelaide (mulattress), also her

daughter, aged 8, on condition that they serve them during their lives, in which time they will be accorded all privileges of the enfranchised. Governor Luis de Unzaga passes judgment on this petition ordering slaves freed under conditions specified, and orders Dupard to pay 120 livres for pious works to be given to Mr. Braud for the Maison de Charite. Jean B. Garic certifies that he has recorded this agreement in the books of his office Vol. 32, page 33.



Enclosed in this record is a series of exhibits (1) a petition to Jean Jacques Blaise Dabbadie, the colonial representative of France, dated Dec. 4, 1764, wherein Lalande Dalcourt asks to be allowed to grant freedom to an infirm negress, Marie Anne, aged about 60, whom he bought from Mr. Fleuriau on condition he grant her her freedom after she had served him several years. Now that she has become feeble, from motives of humanity he wishes to keep his promise, her children being willing to take care of her. It is not possible to fulfill this obligation without Mr. Dabbadie's approbation, which he prays will be accorded to him. Mr. Dabbadie grants the request dispensing Lalande Dalcourt from making the necessary payment to the Maison de Charite for this enfranchisement. (2) Declaration made by Salomon Malline, testamentary executor, and guardian of the estate of Joseph Dubord (Dupard) to the effect that a negro belonging to the estate, Francisco, (creole) aged 25, was sold at public auction for 850 pesos to be paid within 2 years to Alberto Bonne and Juan Arlu, dated 1778, (month and day omitted.) (3) Declaration made by Salomon Malline, testamentary executor and guardian of the succession of Joseph Dubord (Dupard) sold at public auction to Alexandro Baure, a negro named Coutanca, aged about 52, and his wife Marianna, aged 35, and their daughter Martha, aged 13, for 1560 pesos to be paid in two years, dated 1778, (month and day omitted). (4) The beginning of a third declaration by Salomon Malline by which he sold at public auction to Gilbert Maxent a negro, Alexandre, a creole of Martinique, aged about 30, for 960 pesos to be paid for within 2 years. (5) These declarations are followed by 4 sheets of paper from which all vestige of writing has been obliterated by dampness. (6) Contradiction (an answer) presented before the Superior Council by Joseph Ducros, attorney for vacant estates and curator named in the succession of Mr. Lavergne (Charles) in execution of an order dated August 6, 1769, against Mr. Trudeau, curator for Marie Lavergne, and also Charles Darinsbourg, and Pierre Charles Maret as husbands of Francoise and Jeanne Lavergne, all heirs of Mr. and Mrs. Lavergne (Marie Joseph Carriere), their mother and father. Here follows an itemized statement dated Dec. 26, 1768, of the accounts of the Lavergne succession; among the entries are 6 slaves, Francois, Mamangros, Marion, Angelique, Charlot, Babet, valued at 8134 livres 10 sols. (7) Certified copy made June 17, 1768 of the marriage contract of Charles de Lavergne, son of Pierre de la Vergne and Elizabeth Billet, and Marie Joseph Carriere, daughter of Andre Carriere and Marguerite Harlut, who is at present the wife of Louis Tixerrant, dated June 6, or 10, 1739. (8) Act of partition dated Dec. 12, 1743, of the succession of Andre Carriere in which Lavergne and Trudeau for themselves as well as for their wives and Andre Carriere, co-heirs of their father-in-law and father Andre Carriere, sign for their shares of the estate in the presence of Mr. Raguét, counsellor, and Fleuriau, attorney-general. Mr. Lavergne acknowledges to have received as his portion, the slaves Francois, Mamangros, Marion, Angelique, Charlot and Babet. Mr. Trudeau accepts

the second lot, Boucary, Louise, Marguerite, Marie, Jeanne and Gabriel. Mr. Carriere receives third lot, White Foot (Pied Blanc), Jacques, Terese, Francois Petit (Little Francis), Fanchon and Cristine.

It is evident the foregoing exhibits were offered to show titles to the slaves Marguerite, Catherine, Jean and Adelaide which Mr. D'lle Dupard wishes to free. Also to show that the imposition of a fine or gift to the Hospital in cases of emancipation was discretionary in French colonial times.

1770.—Feb. 20.

**Thomas Poree, tutor to the Cazelar (Cazelar) minors, vs. Mr. Rocheblave (Pablo).**

No. 4080. 47 pp.

Court of Governor Unzaga.

Assessor, Cecilio Odoardo.

Escribano, Garig.

To collect rent past due and to recover movable property removed by defendant.

This is a very curious controversy and the record is full of local color and life. Thomas Porée, tutor to Cazelar minors, presents a number of exhibits of proceedings begun against de Rocheblave before O'Reilly and at an earlier date before the Superior Council. These documents together with the plaintiff's original petition for execution are sent to Cecilio Odoardo for advice on July 17, 1770; he rules as follows:

"Whereas and in consideration"

"that the demand of Mr. Porée is confused with the number of" "documents presented which make it impossible to see the end." "In order to make his case clear let the records be delivered to him" "so that the form of his suit may be better modeled according to" "established rules. (Signed) Unzaga. Dor. Odoardo."

July 26, 1770, as directed by the Court Thomas Porée remodeled his demand as follows: As tutor to the Cazalar minors he rented their plantation with live stock, slaves, furnishings, utensils, and implements to Pablo de Rocheblave. There is a balance past due for rent together with costs for legal proceedings to collect same amounting to 4220 livres 11 sols 3 deniers. He has already obtained judgments in his favor from the Superior Council, copies of which have been presented to Governor General O'Reilly, who on Oct. 23, 1769, ordered defendant to pay without delay. All these proceedings were fruitless until case was brought before Governor Unzaga's Court, who on Dec. 14, 1769, ordered defendant to comply with O'Reilly's decree within three days. Mr. de Rocheblave ridiculed these decrees, and in the mean time the lease expired, and he left the plantation failing to leave it in the same condition and with the property which was delivered to him by judicial inventory. He has taken away with him 11 sheep, 4 hens, 6 barn yard ducks, 8 large pigs, 3 middle sized, and 3 small ones, 1 pirogue with its chain, 2 oxen, 3 cows, each one with her calf, 3 heifers and 1 bull. All were driven overland to English Turn as was conceded by His Excellency (O'Reilly) and which has already been represented to Your Lordship (Unzaga).



The plaintiff has presented other written instruments and on March 5 of this present year Governor Unzaga condemned de Rocheblave to pay 4220 livres within 9 days and to return to the plantation all property he had removed. The present escribano has certified as to what was done by defendant to satisfy this decree so as to be able afterwards to issue a writ of execution upon all his property. In due time de Rocheblave was notified of all written documents, decrees, and the proces verbal of the Court ordering the return of the things removed. Finally he paid with a draft on Messrs. Ranso (Ranson) Founier (Fournier) and St. Pe for 3900 livres which plaintiff accepted reserving to himself the right to have recourse against de Rocheblave in default of payment. Garic certified to this transaction in an act dated March 15, 1770.

As the debtor never finished paying nor has he ever returned the live stock as he was ordered to do, the plaintiff again appeared in Court with other written documents upon which defendant was heard in person in his own defense. Governor Unzaga rendered another decree dated March 23, 1770, ordering the live stock already mentioned restored within 8 days, and balance of rent paid. The time having past and the debtor still failing to obey His Lordship's orders the latter entered another dated March 31, condemning defendant to comply or present his exceptions. On April 30, debtor, disobeying the two decrees, plaintiff presented another petition which was ordered sent to de Rocheblave, who to all intents has been deaf to the Court's decrees, and in order to gain time now claims Mr. Dauterive owes him the necessary live stock to replace what he has taken away, which will delivered to him at the end of May. The statement may be true but it seems doubtful that Dauterive can comply as he has enough obligations of his own, to satisfy which he may be imprisoned. Besides the end of May has past two months ago when this delivery was to have been made, and supposing it were true, as tutor, he could not receive the Dauterive cattle as he has found from experience that live stock sent from the lower to the upper country cannot become accustomed to the pasture of that section. They get sick and weak and die within a few days, which would be detrimental to the interests of his minors. Without fear of judicial compulsion and inattentive to the orders of the Court, de Rocheblave did not answer.

The tutor, careful of his minors' property, and desirous of fulfilling obligations with satisfaction and honor, presented himself before Unzaga with another petition asking for a writ of execution against defendant's movable, and landed property, negroes, live stock, etc. To carry this writ of execution into effect when it was issued the deputy sheriff was accompanied by a patrol of soldiers to enforce respect for the Court's decrees. On the 4th of this month Unzaga ordered the records of the case sent to the assessor general for advice who says that because of the difference of the two languages in which the case has been presented all documents should be returned to plaintiff so that he may remodel his cause after established rules, and to formalize it afterwards. Mr. de Rocheblave has been noti-



fied of all decrees and their provisions. This case having now been sufficiently remodeled by this present petition, Thomas Porée prays for a writ of execution against the defendant's entire estate to the extent of the balance due for rent. Besides this he must pay for articles removed, already mentioned, the one tenth and costs. In the meanwhile he asks that a seizure be made, and a valuation placed on the property by two experts appointed either by the parties themselves or else by the Court. Unzaga sends this petition to Odoardo for advice, who on Sept. 24, 1770 rules: that the Cazelar minors must declare the articles of which they have been despoiled by Mr. de Rocheblave, so that judgment may be passed for their value and for 320 livres 11 sols 3 deniers which remains due for rent. Sufficient commission to be given to the sheriff or his deputy to go to defendant's plantation where a seizure will be made of a herd of swine and the rest of the live stock mentioned which must be placed in Porée's possession without appeal being admitted, or anything else which may embarrass this disposition. Rocheblave is condemned to pay costs which must be taxed by the escribano.

Sept. 26, 1770, Santiago Hallays, deputy sheriff, and Juan B. Garic, clerk of the Cabildo, sign a report to the effect that pursuant to the Court's decree they went to Mr. de Rocheblave's plantation to take possession of the live stock previously mentioned. When asked to be shown these animals, they were told that 11 sheep, with 2 large pigs, and 2 medium sized ones had already been returned to the Cazelar plantation. Concerning the 4 hens, 6 ducks, and 3 small pigs, Mr. Beaufort, co-heir with the said minors, was appointed to deliver to Mr. Porée 7½ pesos which were due him for the rest of the pigs. For the other cattle mentioned in the inventory which the defendant had in his charge this may be ascertained by comparison with the act of transfer which Leonardo Mazange made at the plantation. By this investigation it will be seen that there remains 1 bull which ought to be compensated for with the delivery of the calves belonging to Mr. de Rocheblave. In case Mr. Porée does not agree to accept the calves then the bull can be paid for according to the value which will be placed upon it by experts. Concerning the pirogue, they were told it was at Mr. Robin's plantation two leagues away and that a written order was given to two negroes belonging to the minors to go bring it back. The negroes went to look for it. In brief the defendant will pay for the chain which is missing. Having wandered all over the plantation to see if they could find some cows, but found nothing. Mrs. de Rocheblave told them there were 3 or 4 of them up in the "mountains" but they belonged to her. Because Hallays and Garic could not fulfill and execute the foregoing decree as there was nothing to seize they returned and embarked in their pirogue, and having gone a short distance they saw a herd of swine on the banks of the river, and then a negro belonging to the Cazelars, it seemed to them that some among them might belong to the minors, but as this could not be affirmed they determined to continue on their way. This statement is signed

by both Santiago Hallays and Juan B. Garic. The Court orders a copy of this report sent to plaintiff, and his answer sent to assessor.

Oct. 8, 1770. Thomas Porée and Pablo Rocheblave "for the service of God, and the uncertainty of law suits" voluntarily agree to end their case for the collection of a balance due for rent, and the restitution of live stock. They have arranged in this manner; since the cattle claimed no longer exist the plaintiff accepts their value in money in the form extra judicially accorded, he also acknowledges to have received 320 livres 11 sols 3 deniers, the balance of the rent. As to costs, Mr. Porée agrees to pay one-third and Mr. de Rocheblave two-thirds. They both petition the Court for the "greater stability" (of this agreement) to interpose its authority and judicial decree, and to order the taxation made of the costs. Governor Unzaga rules that as the two parties have agreed in the manner above stated for the validation and stability (of this agreement) he interposes, and does interpose his authority and judicial decree in the manner prescribed by law and orders the taxation made of costs by the Clerk of the Cabildo.

Garic taxes costs at 28 pesos 7 reales.

1770.—Feb. 20.

**Georges & Diard vs.**

**Valliere & Morand.**

No. 4042. 9 pp.

Court of Governor Unzaga.

Assessor, Cecilio Odoardo.

Escribano, Garic.

To collect 2 bills for  
merchandise.

Plaintiffs state that Dauterive Valliere owes them 233 livres 2 sols 6 deniers, and Mr. de Morand 283 livres 4 sols 9 deniers for merchandise, and petitions the Court to order the debts paid. Court orders bills settled immediately.

March 21, plaintiffs declare that de Villiere asked 15 days delay which was granted him. This time has expired but the Court's order of

Feb. 26 has not been obeyed. He prays for a second writ of summons so that they may be condemned to pay. Defendants cited to appear the day following. April 5, 1770, plaintiffs set forth that they have obtained two decrees of condemnation but have been unable to collect, they now pray for orders of seizure against defendants to the extent of debts and costs. Unzaga orders de Valliere and de Morand to appear and pay their debts the following day.

July 2, 1770, plaintiffs petition again for execution against the persons and estates of defendants to extent of debts, one tenth and costs. Governor Unzaga refers this to Doctor Odoardo, who on July 6 rules that it is not possible to administer justice when the parties do not regulate their proceedings according to law. This case as presented is useless as it does not follow under the above mentioned head. Notify the plaintiffs that in the first place they must petition for a recognition of the obligation, and then ask for a writ of execution if lawful for them to have it; and in the second place the defendants are two distinct persons, so it is necessary to divide the suit into two separate folios so as to avoid confusion in its prosecution to the end.

Aug. 23, plaintiffs state that defendants wish to settle their debt. They ask that Messrs. de Valliere and de Morand be condemned to pay costs, taxation of which to be made by Garic. Granted. Clerk of the Cabildo taxes costs at 11 pesos 1 reale.

1770.—Feb. 26.

**Grevembert (Juan B.) vs. Fournier and St. Pe.**

No. 4037. 42 pp.

Courts of Alcaldes Trudeau, Forstall and de Villier.

Assessor, Cecilio Odoardo.

Escribano, Garic.

To collect various bills and debts, etc.

Plaintiff states that defendants were charged to sell for his account 625 quarters of flour received in payment for an island sold to some Englishmen, and because of this sale they should render a statement subject to debate. He prays that two merchants be named as arbitrators and a third as mediator to whom the claim may be submitted for adjustment, and the account liquidated.

June 7, Grevembert states that on Feb. 26 last he petitioned that arbitrators be named to liquidate an account he had with defendants. The request was granted and on March 8, Fournier and St. Pe were notified by the deputy sheriff to appear and name arbitrators. He prays the Court to make this appointment for defendants, and also a mediator. The plaintiff naming for his own arbitrator Mr. Avvouet (Jean Hervouet). July 5, 1770 Trudeau orders defendants to name their arbitrator within three days or one will be appointed for them officially. This decree is not obeyed, so on July 13, Le Blanc (Antonio) is named arbitrator for defendants, Jean Hervouet for plaintiff, and Mr. Cadiz mediator.

The litigants present the following documents to the arbitrators:

1. Act of sale dated Mobile, Sept. 6, 1764, by which Jean Baptiste Grevembert sells HORN ISLAND together with all live stock actually there to Messrs. Thomas Augston, Michel Grant, Christopher Miller, Jean Alexandre, David Schan, Thomas Miller, Paul Miller, Jean Grig, for 625 quarters of the best flour selling at present for 180 livres net for each quarter, French weight. This said flour to be delivered in 5 months or a little later in New Orleans or up on Bayou St. Jean. Jean B. Grevembert acknowledges to have received on account 60 quarters. Purchasers hereby acquire all titles to the island.
2. Declaration dated Oct. 8, 1764, signed Fournier and St. Pé to the effect that sale of flour was only simulated, it was well understood that they were to reimburse themselves for storage charges, and a part of it used to pay a debt Grevembert owed Mr. Perdrain, merchant of La Rochelle, France, whose procurator they hold.
3. Letter written in English dated Mobile, Jan. 7, 1765, signed Chris Miller (supposedly to Grevembert) in which he states that the Civil Governor disputes Grevembert's title to Horn Island. He asks that every attestation, proof, and instrument



from the registry be sent to clear up the doubts. He further states Captain Grant was loading his ship in New York with flour on Nov. 27, to be delivered to Grevemberg.

4. Social letter written in English by M. Grant to Mr. Jacqueline, dated Dec. 29, 1764, both parties in New Orleans. Of no importance.
5. Bill for merchandise running from Jan. 28, to May 31, 1765, which Grevemberg owes Fournier and St. Pé amounting to 353 livres 10 sols.
6. Account of, and net proceeds from sale of flour belonging to Grevemberg with which Fournier and St. Pé have been charged running from May 16, 1765 to April 18, 1766, amounting to 11955 livres 6 sols 6 deniers.
7. Bill for merchandise and advances made to Grevemberg from Mr. Perdrain's funds by Fournier and St. Pé running from May 16, 1765 to Nov. 25, 1766, amounting to 3027 livres 6 sols 6 deniers.
8. Statement written and signed by J. Maison, crier for the Superior Council, dated Nov. 25, 1764, for sale of flour at public auction belonging to Mr. Flamand. (Another name for Grevemberg, a native of Flanders, whose name appears spelled in various ways. Grevembert, Grevemberg, he, himself, signs Grevember.) This sale brought 1195 livres, this money was deposited with Mr. Chantalou.
9. Abstract of account of sale of Grevemberg's flour and recovery of funds proceeding from it, amounting to 3373 livres 16 sols 6 deniers.
10. 13 Bills filed by Fournier and St. Pé against purchasers of flour, and debts owed by Grevembert.
11. Debts due Wilhelm Christian Emmerth of La Rochelle, France, by Grevemberg on notes with interest amounting to 8052 livres 5 sols dated April 5, 1763.

After examining all papers, bills, notes and accounts turned over to them, Messrs. Hervouet and Le Blanc on Jan. 23, 1771, make their report by which it appears that there is a balance of 1226 livres 10 sols 8 deniers due Grevemberg.

April 8, 1771, Antonio Le Blanc and Juan Hervouet present a petition to Alcalde Forstall stating that although they have signed their report, it has not been made authentic by a decree of the Court. They understand an error has been found, in order to correct same they ask that said report be annulled, and records returned to them for revision, and to be drawn up in better form. The Court sends this petition to Odoardo, who on Sept 19, 1771, orders it sent to interested parties.

Sept. 29, 1771, Pedro St. Pé declares that he received a copy of the arbitrators' petition asking to have the records of the case returned to them so that they may clear up the errors they believe their report contains. Defendant wishes everything settled with equity. He has no desire to injure Grevemberg, and feeling the

latter has no wish to wrong him he consents to have arbitrators amend their sentence, or report, and in consequence he prays that records be returned to them . Petition granted.

June 19, 1772, Anne Judith Chenal, widow of Juan B. Grevenberg, states that according to a report made by the arbitrators appointed for that purpose they found on Jan. 23, 1771, that Fournier and St. Pé owed her late husband 1226 livres 16 sols 8 deniers. On April 18, 1771, Enrique Desprez, attorney for the defense, asked to have this sentence annulled because of an error. A revised report was made May 26, 1772, but no error was found. She prays that the sentence following report of Hervouet and Le Blanc of Jan. last be carried into effect. The case has passed into Alcalde de Villier's Court who orders this petition sent to Doctor Odoardo. June 26, 1772, he rules that Dionisio Braud be appointed to examine the report made by the arbitrators to correct any errors found therein.

July, 28 1772, Dionisio Braud, in fulfillment of the Court's orders gives his report on the examination he has made in this manner: the statement of accounts made by Juan Hervouet and Antonio Le Blanc in the suit; Anna Judith Chenal, as guardian of her husband's estate *vs.* Pedro St. Pé seems to be just and in conformity to the requirements of commerce, and the decision which followed it dated May 26, 1772, signed by the same two arbitrators, and Cadiz, mediator, is equally correct though Cadiz's signature does not appear at the end of the account signed Jan. 23, 1771.

On the strength of this report Alcalde de Villier passed the following sentence: The parties having conformed to the foregoing sentence which Dionisio Braud was appointed to revise, he informs the Court that the statement made by Hervouet, La Blanc and Cadiz, May 26, is made out in conformity to the requirements of law. The Court, therefore, orders this sentence fulfilled and executed, otherwise the case will become confused. Costs to be paid by one who brought suit.

(To be Continued.)



